

**FINAL EVALUATION
REPORT ON
THE AERA
PROMOTING GOOD GOVERNANCE
PROJECT**

**Conducted by
THE ASIA FOUNDATION**

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Executive Summary

The Asia Foundation received support in the amount of \$500,000 in September 2000 from the United States Agency for International Development (USAID) under the Accelerating Economic Recovery in Asia (AERA) Program for a sixteen month project to promote good governance in Thailand. The Foundation subsequently received a sixteen month extension of the project for Phase II through June 2003, with an increase in financial support of \$400,000, for a total of \$900,000 for a thirty-six month project.

The goal of the Accelerating Economic Recovery in Asia (AERA) Promoting Good Governance Project (PGG) was two-fold: 1) More Transparent and Accountable Governance; and, 2) Increased Civil Society Participation in, and Oversight of Governance. The Asia Foundation selected three over-arching results to define and gauge achievement of these goals:

1. Corruption in the procurement and delivery of public goods and services reduced.
2. Abuse of power and malfeasance in public office reduced.
3. Conflict of interest in public service reduced.

The Foundation designed its project to assess these results on the basis of five strategic objectives, pursued through five principle sub-projects.

Sub-Project	Title	Strategic Objective
1	Asset and Liability Statement Examination Needs Assessment Project	National Counter Corruption Commission Mechanisms to Assess Ethical Standards Strengthened.
2	Building Civil Society Capacity to Partner with the National Counter Corruption Commission	Civil Society Advocacy for Ethical Standards Strengthened
3	Public Participation in Oversight of Tambon Administrative Organizations Needs Assessment Project	Public Participation in the Oversight of Local Administration Strengthened
4	Procurement Needs Assessment Project	E-Procurement Constraints Identified and Action Plan Developed
5	National Human Rights Commission Provincial Network	National Human Rights Commission Capacity to Monitor Human Rights Violations Strengthened

With Thailand's reform Constitution presently into its sixth year, progress towards improved governance through the new institutions created has been mixed. New and old obstacles still make for a challenging programming environment. In general, capacity building of both state and non-governmental organizations is still warranted. The reform process will continue to rely on finding key opportunities to modernize the bureaucracy and mobilize civil society to build pressure to preserve and advance reform ideals and goals.

The National Counter Corruption Commission, in its relative infancy, faces a fundamental staff shortage, as well as the challenge of summoning the political will and technical expertise to convert thousands of paper filings of assets and liability statements to electronic format. However, good progress has been made in that since the inception of the NCCC in 2000, it has indicted twenty-seven officials for violating Section 292 of the Constitution. In twenty-three of the first twenty-four cases the Constitutional Court has dismissed the officials from office and barred them from holding any office for a period of five years. Among the officials, a Minister of Interior (concurrently a Deputy Prime Minister and Secretary General of the Democrat Party), a Minister of Public Health and a Deputy Minister of Industry have been expelled from politics. The verdict of highest profile, that of Prime Minister Thaksin Shinawatra, represented a set-back for the rule of law, but it is hoped that lower-ranking officials may be subject to consistent interpretation in the future. Towards this end, capacity-building of the NCCC should involve developing its Data Analysis Center and to design and implement an effective computer system to examine asset and liability statements.

The Asia Foundation entered into four sub-grant agreements to experiment with different models of civil society organization with the potential to sustain political will to pursue ethical reform and good governance, as well as to conduct activities which would strengthen civil society oversight of government operations.¹ The most successful activities centered on increasing the prominence of corruption-related literature and media coverage. Civil society was also responsible for bringing the attention of high-profile cases (e.g. the former Minister of Public Health's drug procurement scam) to the government's attention.

¹ Counting the number of civil society organizations with a primary or secondary focus on the promotion of ethical standards in governance is not a straightforward task. Although civil society organizations are required to register at the Office of the National Culture Commission if they wish to receive public funding, those who dismiss public funding normally do not register. Thus, relying on government information could lead one to miss important organizations that have chosen not to register. Nor can one take at face value the stated objectives presented in an organization's registration papers. In view of these two factors, TAF has adopted a more subjective method of counting the number of organizations by using their professed association with anti-corruption networks.

Over the past seven years, there has been a significant increase in the number of civil society organizations focused on corruption. In 1996, there were no civil society organizations that had a primary focus on ethical standards in governance. Today, however, TAF recognizes the emergence of four organizations that have a primary focus on counter-corruption activities: The Anti-Corruption Network, Transparency Thailand, The Anti-Corruption Coalition and The People's Rights and Freedom Protection Group. Further action should focus on support for investigative journalism, consolidation of government information made available through the Public Information Act, and support for civil society organizations to investigate specific cases as well as gain deeper knowledge of specific corruption issues.

One of the new mechanisms under the 1997 Constitution designed to strengthen the capacity of citizens to oversee government operations is the Administrative Court. The court provides citizens with the opportunity to seek redress or impose sanctions on government officials who abuse their authority in cases of alleged corruption or a human rights violation. However, the rejection for formal review of 78% of the petitions received indicates the Administrative Court is largely not an effective mechanism for citizen redress. To address this problem, in April 2002 the Foundation issued a grant to the Working Group for Research and Training on Administrative Case Law. In their analysis of the 700 summary dismissals, they found that the fundamental causes for this high rate of rejection were that citizens and lawyers did not understand the meaning of administrative case law and were not familiar with the role or procedures of the Administrative Court. Based on this information the working group developed training programs and legal aid tools (manuals and a website) to ensure that citizens would have better access to redress for legitimate claims in the Administrative Court. The group developed A Manual: Administrative Case Law and Litigation in the Administrative Court, and Collected Laws: Procedures in Accordance with Administrative Law.

The Foundation funded two research teams to identify factors affecting public participation in government oversight at the local level in Thailand, i.e. at the level of the Tambon Administration Organizations (TAO): the Political Economy Center and the Institute for Human Rights Protection and Development. The Political Economy Center's findings framed the question in terms of the larger decentralization debate, concluding low levels of accountability (ignoring citizen input), competition for funds, financial dependence on the central government, and poor TAO management impeding public oversight of TAO budgeting and contracting. Patronage also continues to plague TAO procurement and contracting, with inspection committees appointed on the basis of friendship, family ties, or local patron-client relations.

The Institute for Human Rights Protection and Development (IHRPD) identified the root cause of the problems as one of deeply ingrained values and attitudes. Further training in program planning, monitoring, evaluation, and organizing public participation that imparts both technical skills and value change, is needed.

TAF supported a Public Administration Association team to research such corruption, as no comprehensive examination had been prepared and more importantly, no assessment of how electronic procurement could resolve the issue had been undertaken. Media reports and civil groups' dissemination of information about e-procurement effectiveness were moderately successful. As the Prime Minister has become a champion of e-procurement, further action should strengthen the legal, technical, and human resource requirements for such a system. E-tendering for high-valued and complex items would generate significant cost savings, although this is where vested interests would be most opposed.

Finally, efforts to build a National Human Rights Commission provincial network were undertaken in the form of a comprehensive curriculum and master training program, Thai language human rights handbook, trafficking monitor training, and volunteer networking. These activities resulted in a dynamic network to promote reform at the micro and macro level. Seven organizations, including the NHRC, the Ministries of Justice and Welfare, and the Thai Lawyers Association, approached the Foundation for technical assistance to adapt and replicate the human rights training program for their own target audiences. The Office of the Attorney General requested TAF and partner organizations to develop a series of anti-trafficking workshops for public prosecutors. Implementation of Martus, a secure system of communication between the network and NHRC to aid monitoring, is still in progress. Future efforts should inspire awareness and understanding of human rights in local communities in the provinces and an online communications system.

In preparing this final evaluation report, The Asia Foundation expresses its thanks to Dr. Deunden Nikomborirak and her team from the Thailand Development Research Institute (Saowalak Cheevasittiyanon, Weerawan Paibul-jitaree and Peerapong Kitchakarn) for their invaluable assistance in collecting data to evaluate intermediate results and performance indicators.

1.0 Project Background

The Asia Foundation received support in the amount of \$500,000 in September 2000 from the United States Agency for International Development (USAID) under the Accelerating Economic Recovery in Asia (AERA) Program for a sixteen-month project to promote good governance in Thailand. The Foundation subsequently received a sixteen-month extension of the project for Phase II through June 2003, with an increase in financial support of \$400,000, for a total of \$900,000 for a thirty-six month project.

The focus of the Foundation's Promoting Good Governance Project was to assist reformers in achieving the goals and aspirations they had built into the 1997 Constitution of the Kingdom of Thailand, which in part grew out of the recognition that institutional weaknesses contributed to the severity of the 1997 financial crisis. The two most fundamental of these were mechanisms to promote more transparent and accountable governance, and processes for increased civil society participation in, and oversight of governance.

After sixty years of authoritarian rule, Thai citizens found themselves in the early-1990's confronted by a system of governance characterized by endemic corruption and a narrowly focused system of centralized planning divorced from citizen input or interests. The rise of "money politics," in which rampant vote-buying occurs and weak political parties serve influential business interests, coupled with the 1997 financial crisis, in part spurred the desire to reform the Thai political system. In stark contrast to predecessor constitutions, the 1997 charter, Thailand's fifteenth in 65 years, was specifically designed to end the reign of a bureaucratic polity in favor of a system more conducive to the needs of a pluralistic society integrating itself into a global economy. The drafters of the constitution sought to transform the paternalistic state standing above and controlling society into a partnership between state and civil society. Central to such a fundamental change in the Thai body politic are greater transparency, effective mechanisms to regulate the abuse of power and patronage endemic in the former system, and electoral reforms to promote the emergence of quality representatives at both the local and national level.

Collectively, the reforms of Thailand's 1997 Constitution are designed to promote good governance through:

1. Reform of the bureaucracy from command and control functions to the transparent, accountable facilitation of public policy and management of public goods and services.
2. Reform of citizens from passive subjects to informed, pro-active participants in public policy formulation with access to redress.
3. Reform of the economic regulatory environment in order to add higher value and thereby position Thailand to better compete in the global market.

Of all the facets of good governance, accountability is perhaps the most complex because to be effective it must rely on strong institutions as well as dedicated oversight by civil society. Three aspects of accountability that define and gauge achievement of accountable governance are:

1. Corruption in the procurement and delivery of public goods and services
2. Conflict of interest in public service
3. Abuse of power and malfeasance in public office

Burden of Proof and “Unusual Wealth”

Corruption in the procurement of public goods and services is one of the most difficult crimes to successfully prosecute because so often there is no paper trail and no witness willing to come forward. As a result, there usually is little evidence upon which to secure a conviction. To address this problem, the 1997 Constitution established the principle that any significant unexplained shift in an official’s personal or family worth, or any attempt by an official to hide or misrepresents his or her assets and liabilities, is an indicator of corruption. The constitution also established the principle that the burden of proof lies with the official to explain the reason for the shift in wealth. That is, an official who is not corrupt will have no difficulty in documenting the reason for the shift in their wealth. Finally, the constitution established the principle of “unusual wealth” as a criminal offense. That is, an official with a significant shift in wealth who is unable to document the origins of the shift in wealth, is considered to have acquired the wealth illegally, no doubt through corruption. However, the official is indicted and found guilty of unusual wealth, not corruption. The courts have the authority to imprison the official as well as to order the Anti-Money Laundering Commission to confiscate the “unusual wealth”.

Asset and Liability Statements

The mechanism designed to bring these principles into effect is the submission by officials of Asset and Liability Statements to the National Counter Corruption Commission (NCCC), as required by Sections 291 and 292 of the 1997 Constitution. The accurate and complete Asset and Liability Statements of officials, submitted on a schedule basis, are intended to document and highlight any significant shifts in an official’s wealth. For this reason, the 1997 Constitution commands the NCCC “to inspect the accuracy and the actual existence of assets and liabilities without delay” (Section 293), on a scheduled basis in order to discourage dishonest or corrupt individuals from entering public service for their own self-

interest. In this manner, reformers sought to increase the percentage of individuals in government and administration who are devoted to public service, and thereby promote more honest, ethical, transparent and accountable governance.

The NCCC Act, 1999 outlines the fundamental procedures to be followed by NCCC commissioners and staff in conducting statement reviews:

1. Assess the accuracy of the information provided by the filer;
2. Determine if the filer, spouse, or minor children control unusual wealth; and,
3. Determine if the filer or spouse is engaged in a conflict of interest in any government procurement transaction.

The role of individual citizens and civil society in this process is to:

1. Provide oversight of the NCCC and its implementation of the NCCC Act 1999; and,
2. Provide information to the NCCC which may be of use in assessing the accuracy of an individual's ALS submission.

If the Asset and Liability Statement review process is effectively implemented by the NCCC, any official who willfully submits a late, incomplete, or false statement will be immediately removed from office and barred from holding any public office for a period of five years. The official is also subject to a maximum jail sentence of six months and/or a Baht 10,000 fine. During the process of assessing the accuracy of a statement, the NCCC may determine the filer, spouse or minor children exhibit "unusual wealth", or the NCCC may determine the filer or spouse has, or had, a personal interest in a publicly-funded contract or procurement in which the filer has, or had, a public service interest. In the first instance, the unusual wealth is subject to seizure as state property by order of the Supreme Court's Criminal Division for Persons Holding Political Positions. In the second instance, the filer is subject to a maximum jail sentence of three years and/or a Baht 60,000 fine. In either case, the filer forfeits all future rights to run for, or hold, any elected office.

This reform represents a significant change in traditional Thai methods of addressing corruption. First, it requires that an independent agency engage in a pro-active review to determine the accuracy of statement documents. Previously such documents remained sealed unless ordered opened by a judge as potential evidence in the course of a prosecution. Second, this reform provides for the immediate removal of an official from office. Previously, an official could remain in office while contesting a civil or criminal suit until a court issued a final judgment of guilty. With lengthy appeals, this process often takes five years. Third, the reform invites public participation in oversight of the NCCC through the required publication of the Asset and Liability Statements of the Council of Ministers within

30 days of receipt by the NCCC. Moreover, the 1997 Constitution empowers 50,000 citizens to submit a petition to the Senate requesting the NCCC to conduct an investigation in order to initiate impeachment proceedings against an official.

Civil Society Pressure for Political Will

The most essential prerequisite for successful, sustained ethical reform and good governance is political will. This is defined as commitment at the highest levels of national leadership to undertake meaningful and sustained action to curb corruption, malfeasance in office, and the abuse of power, strongly backed by civil society and the business sector. Because enforcement of ethical standards can engender serious opposition among those who benefit from the *status quo*, real commitment is a political risk for leadership and is not lightly given, even when the moral commitment may be high. For this reason, the potential for slipping into cosmetic and ineffectual reforms that undercut momentum for change is always great.

Political will is a direct result of constituencies demanding results. The most fundamental principle of politics and administration is that no good or service will be provided by any government unless there is sufficient constituent pressure, whether the constituency be a small inner circle of officials in an authoritarian government or a large political party's constituency in a participatory democracy. Interest groups, civil society organizations with an interest and expertise in a particular policy area, also constitute constituencies.

The drafters of the 1997 Constitution recognized the critical role of civil society and individual citizens in forging political will. In a path-breaking precedent under the Rights and Liberties Section, Article 60 states that citizens have the right to participate in the decision-making process of State. Article 76 further stipulates the State shall promote and encourage public participation in inspecting the use of State power at all levels.

Because no single organization or group of citizens can develop expertise to provide effective oversight over the vast array of government policies and programs, it is essential to develop a network of civil society organizations capable of informing citizens in providing effective, accountable oversight over the various policies and actions of the government and specifically, the NCCC. To be effective, they must also be perceived by the general public and officials as non-partisan. It is therefore essential that such organizations develop a non-adversarial, partnership relationship with the government agencies for which they provide oversight, as well as with the NCCC.

Another fundamental reform of the 1997 Constitution is administrative and fiscal decentralization. This decentralization arose from the pressure of the urban middle class

rather than from the vast majority of the population living in rural communities. Although the Tambon Council and Tambon Administration Organizations (TAO) Acts, 1994, provide for local elected government at the sub-district level, a century of administration by central authorities has provided neither experience nor systems for citizens to participate in local public policy decisions, particularly those concerning the provision of public goods and services most directly related to their daily lives. As a result, public participation in local government remains minimal. Secondly, it has been argued that decentralization has encouraged the expansion of “dark influences,” which refers to various criminal or mafia elements operating in the underground economy, and corruption at the local level because local communities lack channels to participate, control, and check the administration of TAO.

Periodic elections constitute only the most fundamental level of public participation and oversight, and in localities where local power brokers have subverted free and fair elections, there is no such minimum level. Therefore, if the Thai decentralization process is to succeed, multiple channels of participation and oversight need to be identified and developed. To be most successful, such channels cannot be alien systems imposed from outside; they must have some grounding in local culture, tradition, and mores, which may vary from one region to another.

Thailand’s 1997 Constitution also requires a new level of oversight due to higher ethical standards. Many local power brokers have built their fortunes influence and power on the provision of public goods and services in their localities. The new ethical standards provided in the NCCC Act 1999 prohibit officials from engaging in conflicts of interest. For example, a TAO member who owns a construction company can no longer bid on a local project to build a road or a school. In the past, such relationships were not considered contrary to economic efficiency or ethical standards. (In fact, in the Thai language, there was no expression to describe such a relationship.)

Thailand’s 1997 Constitution also mandates the creation of a National Human Rights Commission composed of 11 Commissioners. Their mission is to a) monitor and report on human rights violations in Thailand, b) propose policies and legislation to promote and protect human rights, c) promote human rights education, d) promote cooperation and coordination among governmental and non-governmental agencies in the field of human rights, and e) prepare an annual report for the National Assembly on human rights in Thailand. After considerable and often contentious debate on the details of an NHRC Act and the selection of the commissioners, the NHRC was formally established in June 2001. Contrary to the fears of human rights activists who were concerned the NHRC would be packed with retired bureaucrats and politicians who would sabotage the mission of the

Commission, the NHRC is dominated by individuals with recognized records of active support for the promotion of human rights in Thailand.

An unfortunate repercussion of the Thai financial crisis, is that all of the new accountability mechanisms created under the 1997 Constitution have been under-funded, making it difficult for them to pursue their individual missions. The NHRC, for its first year, received only one-third of the budget the commissioners requested, sufficient for general operations. Since then, the commissioner's budget requests have always been significantly cut by the Budget Bureau. Therefore, the NHRC may be dependent for years on support from the international community to assist in building its systems.

Premised on this programming environment, the goal of the Accelerating Economic Recovery in Asia (AERA) Promoting Good Governance Project (PGG) was two-fold: 1) More Transparent and Accountable Governance; and, 2) Increased Civil Society Participation in, and Oversight of Governance. The Asia Foundation defined its goals along the lines of the three aspects of accountability which indicate achievement of accountable governance, i.e. the reduction of corruption in public goods and service procurement, in abuse of power in public office, and in conflict of interest in public service. :

Since such broad results are difficult to measure, the Foundation designed its project to assess these results on the basis of five strategic objectives that were pursued through corresponding sub-projects.

Sub-Proj	Title	Strategic Objective
1	Asset and Liability Statement Examination Needs Assessment Project	National Counter Corruption Commission Mechanisms to Assess Ethical Standards Strengthened.
2	Building Civil Society Capacity to Partner with the National Counter Corruption Commission	Civil Society Advocacy for Ethical Standards Strengthened
3	Public Participation in Oversight of Tambon Administrative Organizations Needs Assessment Project	Public Participation in the Oversight of Local Administration Strengthened
4	Procurement Needs Assessment Project	E-Procurement Constraints Identified and Action Plan Developed
5	National Human Rights Commission Provincial Network	National Human Rights Commission Capacity to Monitor Human Rights Violations Strengthened

2.0 Sub-Project 1: Asset and Liability Statement (ALS) Examination Needs Assessment Project

2.1 Project Description

The goal of the ALS Project was to build the capacity of the NCCC to monitor and identify corrupt practices. The NCCC has a constitutional mandate to examine the assets and liabilities of thousands of politicians and select public officials in a manner consistent with the creation and long-term maintenance of a viable system of disincentives that would discourage officials from using public office for private gain. The purpose of the ALS Project was to assist the NCCC to determine the legal and resource requirements necessary to ensure a comprehensive and fair review of the Asset and Liability Statements of officials. Furthermore, the project was intended to enable the NCCC to develop:

- 1) A comprehensive assessment of the legal and constitutional implications of ALS review and offender prosecution;
- 2) An action plan for short- and long-term institutional and human resource development of the NCCC; and,
- 3) A set of materials to inform both officials and citizens about the ALS process.

2.2 Output

On behalf of the NCCC, TAF commissioned two research projects to achieve this goal: “Enhancing the Efficiency of Asset and Liability Statement Examination and Assessment”, led by the team of Professor Sanit Joranand; and “Feasibility of Computer Program Assessment of Asset and Liability Statements”, led by the team of Dr. Pornsak Pongpaew.

2.2.1 Research Report on Enhancing the Efficiency of Asset and Liability Statement Examination and Assessment

Through the assistance of The Asia Foundation, the NCCC commissioned Professor Sanit Joranand and his team to conduct an analysis of methods for enhancing the efficiency of the NCCC in examining Asset and Liability Statements. The team concluded that the NCCC faces several obstacles in undertaking an effective examination of asset and liability statements.

1. The NCCC faces a dilemma in that it cannot possibly meet its constitutional mandate with the current level of human resources and operating procedures. With approximately 140 persons involved in the examination of thousands of asset and

- liability statements each year, it is impossible to examine all statements submitted. Due to regulations for the protection of personal data, it has not been possible to contract out work. Furthermore, according to the Constitution, the NCCC is required to examine "every" statement, which means that sampling is not possible. Failure to fulfill the mandate implies that the NCCC may be accused of dereliction of its duties.
2. In enforcing its constitutional mandate, the NCCC is required to conduct its own investigations. Unfortunately, the process has proven to be overly time consuming and very taxing for officials lacking experience in investigation and law enforcement. The staff of the NCCC were carried over from the old Counter Corruption Commission, and they generally lack the skills necessary for investigation. In most cases, the NCCC has to request assistance from the police. Most of the Commission's staff are lawyers, while the critical need is for economists, financial analysts and forensic accountants. Although the NCCC is an independent agency with total control over its secretariat, commissioners and secretariat staff are caught in a mind-set based on Civil Service Commission rules that prevents the NCCC from dismissing unqualified staff inherited from the old Counter Corruption Commission and replacing them with skilled staff.
 3. It is a matter of debate whether or not the examination of assets and liabilities is an efficient or an effective tool in deterring corruption. The verification of declared assets and liabilities is tedious and extremely time consuming, raising questions of cost-benefit. Furthermore, it fails to track movements of financial transactions that may have occurred between two points of time when assets and liabilities are reported (i.e., the gap period in which assets and liabilities are reported). The information that should be monitored are sources of income and expenditures or loans during the period when a politician or high-ranking civil servants hold a particular position.
 4. As long as available records are not yet computerized, verification and analysis of assets will remain extremely difficult.

Several NCCC Commissioners expressed their concerns to TDRI evaluators that the Sanit Report failed to meet their expectations because it merely described and analyzed the NCCC's current Asset and Liability Assessment Procedures. The report was criticized by certain Commissioners because it failed to describe "best practices" from case studies overseas and had not included information based on a proposed study tour by Commissioners and NCCC staff.

The research team responded, however, that after completion of a literature review, they concluded that a series of overseas study tours to enable members of the team and NCCC Commissioners to examine "best practices" would be an ineffective use of limited

resources. In the research team's view, with which TAF concurred, the NCCC faces a unique mandate that "best practices" under other systems would fail to address. Specifically, research indicated that only Thailand has a constitutional provision that requires its anti-corruption agency to *verify* the actual existence of *all* assets and liabilities reported by *all* those required to submit a statement. Secondly, the team noted, based on their literature review, that the most innovative "best practices" were those that adopted information technology (IT) solutions to improve the verification process.

In the view of TAF, the failure to meet expectations was more than simply a lack of communication between the NCCC and the study team regarding the expected output from the study, as was suggested by the TDRI Evaluation Team. TAF was extensively lobbied by commissioners to support overseas observation programs but instead agreed with Dr. Sanit's team that these would not be productive. In the view of the team, no amount of process re-engineering of the current procedures would enable the NCCC to verify all asset and liability statements submitted. A more radical approach would be required to encourage the NCCC to examine the possibility of an IT solution to address the fundamental under-capacity challenges at the NCCC. Dr. Sanit's team and TAF agreed that only with the adoption of a new IT system would the NCCC be able to address the human resource impediments to verifying the existence and accuracy of all assets and liabilities for all those required to submit a statement.

2.2.2 Research Report on the Feasibility of Computer Program Assessment of Asset and Liability Statements

Based on the recommendations of the Sanit Team, The Asia Foundation provided financial assistance to the NCCC for a feasibility assessment on computer software and procedures that would expedite the process of asset and liability verification and analysis. At this stage, the pilot program has not yet been adopted. During the project it became apparent that the use of computer software requires constitutional amendments to allow for electronic signature of asset and liability statements, NCCC access to other government and privately held data-bases, and a mandate to use a "red flag" system to identify which statements are to be investigated in detail (as opposed to current constitutional requirements that all statements be thoroughly reviewed for accuracy). In addition, the majority of both commissioners and NCCC staff are reluctant to switch from paper-based procedures. Seven of the nine NCCC commissioners are lame-ducks, and while their replacements are being selected by the Senate, the Commissioners do not wish to move forward. In addition, the project leader, Dr. Pornsak Pongpaew, passed away before the team could respond to the requests and

suggestions made by the NCCC with regard to how the initial version of the program could be improved and adapted.

As a result, the NCCC is currently using a much more limited computer program that it has developed itself. This particular program is capable of assisting in the assessment process to a certain degree but fails to address the fundamental under-capacity problem. For example, it can alert officials when an account submission is overdue but it cannot yet compare the multiple asset and liability statements submitted by an official over a period of time. Preparations are being made to link up the system with organizations involved in the process of verification of assets and liabilities such as private commercial banks, the Land Department, Department of Land Transport, the Stock Exchange Commission and the Department of Business Promotion (responsible for the registration of limited companies), which is a positive step.

Commissioners have noted that certain features of Dr. Pornsak's program still need improvement before implementation. For example, the program provides an evaluation of certain plots of land but without specifying the price of each particular plot. While the program is designed to receive statements online, many members of the local administrative committees do not yet have access to a computer and the internet. It was suggested that the emphasis should be instead on establishing on-line links with state and private entities that are involved with the verification of assets and liabilities, such as commercial banks, the Department of Land, the Department of Land Transport and the Anti-Money Laundering Organization, among others.

For TAF, one of the most worrisome aspects of this project has been the failure of the NCCC Commissioners and Staff to appreciate the constitutional implications of a change to an IT system. Commissioners initially complained that the NCCC could not move to an IT system until after the Electronic Signature Act had been passed. TAF staff pointed out that passage of the Act would have no impact on the process because the Act could not authorize electronic signature of Asset and Liability Statements. This is because Sections 292 and 293 of the 1997 Constitution specifically require the submitter and a representative of the NCCC to “affix his or her signature on every page of the account”. An Act of Parliament under the current constitution, for example authorizing an electronic signature, cannot overrule any clause of the constitution.

2.3 Intermediate Results and Performance Indicators

In the original proposal and work plans TAF submitted to USAID, a number of intermediate results and performance indicators were suggested as measures to evaluate the AERA Promoting Good Governance Project. With the assistance of TDRI, TAF has developed a series of responses to these indicators.

1. A concise definition of "willful"² and other legal terminology critical to the assessment process.

Achieved: Since the constitution does not elaborate on how a failure to declare, or a false declaration of, assets or liabilities may be considered to be "willful", the NCCC adopted the definition of "willful" in article 420 of the Civil Code and "intentional" in article 59 of the Criminal Code. It must be noted, however, that a violation of the NCCC Law is by no means a civil or criminal violation because an offender is subject to neither civil nor criminal penalties. Rather, he or she is subject to political discipline by being barred from involvement in politics for five years. Since there are no criminal penalties, there is no need to establish intent as in the case of a criminal offense.

According to the NCCC, the following criteria determine whether a violation of the assets and liabilities declaration requirement is "willful", or not:

1. Is the individual aware of the existence of the asset or liability, or those belonging to his/her spouse and children under 25 years of age?
2. Is the value of the undeclared asset or liability significant or negligible?
3. Does the individual stand to gain from the concealment or false declaration of the particular asset or liability?

To ensure fairness, alleged offenders are extended the opportunity to testify before the NCCC to provide evidence and question witnesses. With the exception of the case of Prime Minister Thaksin Shinawatra, the Constitutional Court has applied the same definition of "willful" in its judgments concurring on NCCC decisions against political officials.

Some critics argue that a significant flaw in such cases is failure of the constitution to clearly define the term "political office". Since the constitution does not otherwise define a "political office", both the NCCC and the Constitutional Court have relied on the definition of "political office" as specifically detailed by the Act on Persons Holding Political Positions. Critics argue that the intent of the Constitution was to prevent individuals from any political activity; nevertheless, numerous political positions are not defined in the Act as Political Positions. Therefore, for example, former Democrat Party Secretary General and Minister of Interior, Sanan was able to assume the office of Advisor to the Democrat Party, while a former senator was able to assume the elected position of Deputy Secretary General of the Thai Rak Thai Party.

² Some English documents referring to Section 295 of the Constitution use the term "willful" while other translations use the term "intentionally".

2. The NCCC has identified costs of conducting assessments at various levels of intensity and volume

Not Achieved: The NCCC has not yet defined the costs of conducting assessments of asset and liability submissions. This is because the current system is still incomplete, rendering costs difficult to define. However, the average number of days that is required to examine statements submitted by (a) cabinet ministers and advisors (b) members of the Tambon Administration Organizations (TAO) and (c) members of parliament is known.

3. The NCCC had determined a strategic mix of level of intensity and volume assessment to sustain ethical standards, while meeting constitutional and legal requirements.

Not Achieved: The NCCC has not provided transparent public data through its Annual Reports to the National Assembly. It is difficult therefore to track its record of clearing asset and liability statements. In 2000, the NCCC received 7,040 asset and liability statements; 4,771 from individuals holding political positions and 2,269 from civil servants. Its Annual Report does not state the number of cases examined; it only mentions that 10 cases were forwarded to the Constitutional Court.³ However, estimates by researches indicate the NCCC had cleared less than 10% of the statements. In 2001, it received an additional 9,353 cases: 6,751 from politicians and 482 from civil servants. The NCCC reported to the National Assembly that it cleared 24.4% of these statements.⁴ The data for 2002 is mixed. The NCCC notes that it received 4,326 new statements, and had a carry-over from previous years totaling 12,886, for a total of 17,212 statements. Although the NCCC states it cleared 2,772 statements, or 16.1%, during 2002, there is no indication how many of these were statements submitted in previous years or how many of the 2002 submissions were examined.⁵ Regardless, the Constitution requires the NCCC to examine *all* statements submitted. Therefore, the NCCC is in breach of its constitutional duty and commissioners may be held liable for malfeasance in office under the NCCC Act.⁶ It is, however, currently impossible for the NCCC to fulfill its mandate given the following limitations.

³ NCCC Annual Report for 2000.

⁴ NCCC Annual Report for 2001.

⁵ Policy and Planning Division, the NCCC, August 2003.

⁶ Under Thai Administrative Case Law, it is unlikely that any Commissioner could be convicted of malfeasance in office. Neither the Constitution nor the NCCC Act specifies a legal time limit during which asset and liabilities are to be verified. The terms “without delay” and “in a timely manner” are not defined in Thai law. Therefore, from a strict administrative law perspective, the Commissioners have broken no law or constitutional provision. Nevertheless, they could be criticized for their failure to adhere to the intent of the constitution, which would imply that statements are verified on a timely basis. On the other hand, it could be argued that as members of an independent constitutional mechanism, the acts or omissions of Commissioners do not fall under administrative case law but rather constitutional law.

1. There are too many accounts to be assessed using current procedures. Each of the 140 employees is able to perform an assessment of only twenty accounts per year. To partially address this problem, the NCCC has passed rules to limit the number of accounts that need to be submitted. For example, only the members of Tambon Administrative Organizations (TAO) with revenue exceeding 50 million need to submit accounts.
2. Computerization of data is not complete. Partly because the NCCC itself is in the process of designing the assessment procedures and partly because the parties with which the NCCC's system needs to share data electronically -- i.e., the private commercial banks, the Land Department, the Revenue Department and the Department of Land Transport -- do not yet have a technical capacity to do so.
3. As *all* assets and liabilities need to be declared -- be it a piece of jewelry, a car, land, a home, an antique Buddha image, etc. -- the volume of work to be examined is overwhelming.
4. *The number of political officials dismissed from office and barred for five years from any public service position by the Constitution Court on the recommendation of the NCCC for the submission of a late, incomplete, or false Asset and Liability Statement in accordance with Article 34 of the NCCC Act 1⁷.*

Good Progress: Since the inception of the NCCC in 2000, it has indicted twenty-seven officials for violating Section 292 of the Constitution. In twenty-three of the first twenty-four cases the Constitutional Court has dismissed the officials from office and barred them from holding any office for a period of five years. The exception was the case against Prime Minister Taksin Shinawatra. Three cases are currently under the Court's review. As the following table indicates, among the officials, a Minister of Interior (concurrently a Deputy Prime Minister and Secretary General of the Democrat Party), a Minister of Public Health and a Deputy Minister of Industry have been expelled from politics. Of these three important cases, it is noteworthy that those of the Minister of Interior and the Deputy Minister of

⁷ **Section 34 :** Any person holding a political position intentionally fails to submit an account showing particulars of assets and liabilities and supporting documents to the N.C.C. Commission within the time prescribed by this Organic Act or intentionally submits such account and supporting documents with false statements being included therein or fails to disclose facts which should have been disclosed, such person shall vacate Office as from the date of the expiration of the time-limit prescribed for the submission of the account showing particulars of assets and liabilities or as from the date of the discovery of such act, as the case may be, and such person shall not hold a political position for the period of five years as from the date of the vacation of office. For this purpose, the N.C.C. Commission shall refer the matter to the Constitutional Court for final decision and, when the Constitutional Court gives a final decision that it is the case of an intentional submission of the account showing particulars of assets and liabilities and supporting documents with false statements being included therein or failure to disclose facts which should have been disclosed, such person shall vacate the political position currently held, without prejudice to the acts previously done by such person while in office.

Industry were raised and concluded while their party was in control of the government. It should also be noted, however, of these cases, only ten individuals (marked by an *) were convicted of submitting a false statement. The other seventeen were convicted for failure to submit an asset and liability statement.

**Political Officials Charged by the NCCC with Violation of Section 292
of the 1997 Constitution and Confirmed
by the Constitutional Court through October 2003**

Case		Date	Name	Position
Number	Issued			When Offense Occurred
1	10/2543	9-Mar-00	Anan Satsatananon Chatchai	Political Advisor
2	11/2543	9-Mar-00	Sumetchotimetha	Political Advisor
3	12/2543	7-Mar-00	Sukhum Choedchoem	Senator
4	23/2543	30-May-00	* Chirayu Charasathian	Political Advisor
5	27/2543	3-Jul-00	Kosol Srisang	Political Advisor
6	28/2543	6-Jul-00	Mahusen Masuyi	Official in PM's Office
7	31/2543	10-Aug-00	* Sanan Khajornprasas	Minister of Interior
8	05/2544	13-Feb-01	Sumet Upholthian	Muncpal Councilor
9	19/2544	3-Aug-01	* Prayuth Mahakijisiri	Senator
10	20/2544	3-Aug-01	* Thaksin Shinawatra	Deputy Prime Minister
11	14/2545	18-Apr-02	Sombun Niamhom	District Councilor
12	17/2545	16-May-02	Sawaet Thongrom	Political Advisor
13	18/2545	16-May-02	Withaya Siriphong	Political Advisor
14	35/2545	6-Jun-02	Sanit Surangsi	Assistant Sec. in PM's Office
15	37/2545	18-Jun-02	* Somphong Kestraphiban Phenpha	Secretary to Minister
16	39/2545	9-Jul-02	Phusansaphanimit	Political Advisor
17	41/2545	16-Jul-02	* Subin Phiphornpong	Political Advisor
18	53/2545	10-Oct-02	Saman Nguansa-ang	Political Advisor
19	58/2545	21-Nov-02	Phinij Muangkhotor	MP
20	07/2546	27-Mar-03	Surathin Phimanmek	MP
21	29/2546	5-Aug-03	* Pichate Satirachaval	Dep. Minister of Transport
22	31/2546	3-Oct-03	* Rakkiat Sukthana	Minister of Public Health
23	47/2546	25-Nov-03	Adul Wongpanit	Official in PM's Office
24	48/2546	25-Nov-03	Mongkol Tansakul	Adv. to Deputy Minister
25		Pending	* Withun Phatraloaka	Submitted July 10, 2003
26		Pending	Sarin Sa-idi	Submitted Oct. 9, 2003
27		Pending	* Phulphol Asawahaem	Submitted Jan. 10, 2004

5. The number of civil servants dismissed from office and barred for five years from any public service position by the Constitutional Court on the recommendation of the NCCC for the submission of a late, incomplete, or false Asset and Liability Statement in accordance with Article 41 on NCCC Act 1⁸.

Not Successful: There has only been one case to date. On Dec 4, 2002, the NCCC indicted former Provincial Electricity Authority Governor Sunthorn Tamthaworn for involvement in corruption that had led to his unusual wealth, which was Baht 16 million in cash transferred to his bank account. This single case is still under consideration by the Constitutional Court.

6. The number of civil servants and political officials found guilty by a court of law for the late, incomplete, or false submission of an Asset and Liability Statement and sentenced the maximum term of imprisonment of 6 months with a maximum fine of Bath 10,000 in accordance with Article 119⁹ of the NCCC Act 1999.

Not Successful: The NCCC has failed to request that the Attorney General prosecute any official under Article 119 of the NCCC Act, 1999.

7. The number of cases and the amount of funds ordered seized as state property by the Supreme Court's Criminal Division for Persons Holding Political Positions, as premised on NCCC investigation of an audit finding of unusual wealth in accordance with Article 38¹⁰ of the NCCC ACT 1999.

Minor Success: In April 2002, the Supreme Court's Criminal Division for Officials Holding Political Office convicted Jirayu Charatsathian, an adviser to the Minister of Public Health

⁸ **Section 41:** In the case where any person under section 39 or section 40 who intentionally fails to submit an account showing particulars of assets and liabilities and supporting documents to the N.C.C.C. within the time prescribed by this Organic Act or intentionally submits an account showing particulars of assets and liabilities and supporting documents with false statements being included therein or fails to disclose facts which should have been disclosed, such person shall vacate office as from the date of the expiration of the time-limit prescribed for the submission of the account or the date of the discovery of the said act, as the case may be, and shall not take a position as a State official for the period of five years as from the date of the vacation of office.

⁹ **Article 119:** Any State official who intentionally fails to submit an account showing assets and liabilities and supporting documents to the N.C.C.C. within the time prescribed by this Organic Act or intentionally submits an account showing assets and liabilities and supporting documents with false statements being included therein or conceals facts which should have been disclosed shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding ten thousand Baht or to both.

¹⁰ **Article 38:** In the case where the inspection report reveals an unusual change of property, the N.C.C.C. shall request the person holding the political position, heirs or the administrator of the estate, as the case may be, to explain the acquisition of such property before the N.C.C.C. passes a resolution that such person has an unusual increase of property. In the case where it appears that any person holding a political position has an unusual increase of assets, the President shall furnish all existing documents together with the inspection report to the Prosecutor-General for instituting prosecution in the Supreme Court of Justice's Criminal Division for Persons Holding Political Positions so that the unusually increased assets shall devolve on the State, and the provisions of section 80 paragraph two shall apply mutatis mutandis.

Rakkiart Sulkthana, for malfeasance in connection with a 1.4 billion baht medical supplies scam and sentenced him to six years in jail. Narongsak Hengchaisiri, a ministerial aid involved in the same scam, was acquitted for lack of evidence. In October 2003, the Court found Rakkiart Sulkthana, former Minister of Public Health, guilty of corruption and illegally amassing 234 million baht. Rakkiart has been sentenced to a number of years in jail but has jumped bail and is currently in hiding. In both cases, the Court ordered the seizure of their ill-gained assets. It should be noted that all three cases handled by the Court so far were related to the same medical supplies scam and that the case was initiated by the civil society sector.

Although these were the only cases to date to be concluded by the Court, they received high public awareness and praise. This is because they were the first time that senior politicians had actually been convicted in a court of law for corruption, had their assets seized, and received significant jail terms.

8. The number of civil servants and political officials found guilty of conflict of interest as defined by Articles 100¹¹, 101¹², or 103¹³ of the NCCC Act 1999, as premised on NCCC investigation of an audit finding and sentenced the maximum term of imprisonment of 3 years and maximum fine of Baht 60,000 in accordance with Article 122 of the NCCC Act 1999.

¹¹ **Section 100** Any State official shall not carry out the following acts: (1) being a party to or having interest in a contract made with a Government agency where such State official performs duties in the capacity as State official who has the power to conduct supervision, control, inspection or legal proceedings; (2) being a partner or shareholder in a partnership or company which is a party to a contract made with a Government agency where such State official performs duties in the capacity as a State official who has the power to conduct supervision, control, inspection or legal proceedings; (3) being a concessionaire or continuing to hold a concession from the State, State agency, State enterprise or local administration or being a party to a contract of a directly or indirectly monopolistic nature made with the State, a Government agency, State agency, State enterprise or local administration, or being a partner or shareholder in a partnership or company which is a concessionaire or a contractual party in such manner; (4) being interested in the capacity as a director, counsel, representative, official or employee in a private business which is under supervision, control or audit of the State agency to which such State official is attached or where such State official performs duties in the capacity as State official, provided that the nature of the interest of the private business may be contrary to or inconsistent with public interest or the interest of the Government service or may affect the autonomy in the performance of duties of such State official. The positions of State officials prohibited from carrying out the activities under paragraph one shall be prescribed and published in the Government Gazette by the N.C.C. Commission. The provisions of paragraph one shall apply to spouses of the State officials under paragraph two. For this purpose, the activities carried out by the spouse shall be deemed as the activities carried out by the State official.

¹² **Section 101** The provisions of section 100 shall apply mutatis mutandis to the activities carried out by the person who has already ceased to be the State official for less than two years, with the exception of the holding of shares of not more than five percent of the total number of shares issued by a public limited company which is not a party to a contract made with the State agency under section 100 (2), for which permission is obtained under the law on securities and securities exchange.

¹³ **Section 103** Any State official shall not receive property or any other benefit from any person other than the legitimate property or benefit derived under the law, rules or regulations issued by virtue of the provisions of law, with the exception of the acceptance of the property or any other benefit on the ethical basis in accordance with the rules and in such amount as prescribed by the N.C.C. Commission.

Not Successful: The NCCC has failed to implement these articles even though there have been numerous references in the media to officials who should have been investigated. The NCCC simply has not had the staff to deal with these issues. The Ministry of Justice has proposed that a new unit within the Ministry be charged with handling this type of case.

9. Comprehension by citizens, politician, and civil servants, as reported in research and opinion polls, of the Asset and Liability Statement Assessment process, legal standards, and penalties,.

Failure of Media Interest: There are no official poll results on this issue.

10. Public perceptions, as reported in opinion polls, the NCCC is faithfully examining Asset and Liabilities Statement and implementing Articles 34, 38, and 41 of the NCCC Act 1999.

Medium Success: A Suan Dusit Poll was conducted during 29-30 March 2000, after the NCCC had ruled that Minister of Interior Sanan Kachornprasart had intentionally falsified his asset and liability statement and thus was barred from politics for five years. The survey was conducted on 1,072 citizens, 78.29% of whom believed that the NCCC has promptly fulfilled its duty.

11. Public perceptions, as reported in opinion polls, the Constitutional Court is pursuing fully, fairly and transparently cases submitted to it by the NCCC under Article 41 of the NCCC Act 1999.

Medium Success: A Suan Dusit Poll was conducted on August 3, 2001 after the Constitutional Court ruled that Prime Minister Thaksin Shinawatra did not intentionally conceal publicly traded shares in his asset and liability statement when he was holding the position of Deputy Prime Minister in a previous government. The survey was conducted by phone and covered 1,272 residents. The survey revealed 78.88% of respondents agreed with the ruling, while another 13.38% were content that the Prime Minister was not convicted. Only 2.11% disagreed with the decision. This survey, however, may reflect the popularity of the Prime Minister at the time rather than how the public views the NCCC's work. It should be noted, however, that the decision received heavy criticism among academics and opposition politicians. A petition with 60,000 signatures were gathered and submitted to the Chairman of the Senate to have four of the Constitution Court judges impeached. The NCCC was obliged to investigate the complaint and set up a committee that examined possible inconsistencies in the reasoning and interpretations of law between two very similar cases, in which politicians alleged to have concealed assets claimed ignorance with regard to assets managed by their spouse. In one decision issued on the same day as the Thaksin ruling, the

political position holder was found guilty and thus barred from politics for five years. The findings of this examination revealed many inconsistencies between cases.

12. Public perceptions, as reported in opinion polls, that the Supreme Court's Criminal Division for Persons Holding Political Positions is pursuing full and fairly to a transparent outcome cases submitted by the Attorney General on the recommendation of the NCCC under Article 38 of the NCCC Act 1999.

Lack of Media Interest: There is no official poll result on this issue. It is of note that although the media has been highly supportive of the decisions made by the Court, it has done so without reference to public opinion polls.

2.4 Recommendations for Further Action

Based on interviews with various NCCC staff, the TDRI team concluded that the most urgent tasks to be undertaken in order to further develop the capacity of the NCCC to examine asset and liability statements are:

1. Preparation and publication of a training manual for in-house training;
2. Establishment of in-house training to develop institutional skills and, at the same time, provide a career path for employees in the medium term;
3. Establishment of a Data Analysis Center with necessary equipment, software and skilled personnel (economists, accountants, financial analysts);
4. Design and implementation of an effective computer system to assist in the examination of asset and liability statements (i.e., to continue the work of Dr. Pornsak's team so that the pilot system can be fully implemented); and,
5. Comparative research on different approaches and practices in foreign countries to track the financial positions of politicians and high-ranking bureaucrats so that suggestions might be made on how existing Thai laws and practices could be improved.

It is the view of The Asia Foundation that the first two priority items suggested by NCCC staff will fail to resolve the NCCC's inability to meet its constitutional mandate. In-house training for greater efficiency under the present system does not address the root cause of the problem, which is the present manual system itself.

Additional comparative research, in general, also will be ineffective because the Thai system is the only system in the world that mandates that all asset and liability statements be verified in-house. Research has demonstrated already that the only option that will enable the Commission to handle its case load is the use of various forms of electronic verification. Thus, comparative research, if any, should be focused on electronic systems for verification of assets and liabilities.

The most urgent tasks to be undertaken in order to further develop the capacity of the NCCC to examine asset and liability statements are to develop its Data Analysis Center and to complete development and implementation of the computer program to analyze asset and liability statements. Achievement of the latter objective will require creative thinking to address a series of procedural and constitutional problems. For example, through a closer relationship with the Anti-Money Laundering Office, the NCCC may be able to gain access to private and government databases that are currently difficult for the NCCC to link into. The most vexing constitutional issue, the requirement that each page of a statement be signed by the submitter and countersigned by the NCCC, is not insurmountable. For example, until such time as there is a constitutional amendment to accept electronic signatures (which could

take decades to promulgate), the NCCC could issue a regulation that statements must be submitted in both electronic and hard copy.

3.0 Sub-project 2: Building Civil Society (BCS) Capacity to Partner with the NCCC

3.1 Project Description

The goal of the BCS Project was twofold. First, it was designed to enable experimentation with different civil society models to garner and sustain the political will necessary to pursue ethical reform and good governance. Secondly, it was designed to enable civil society organizations to research and discuss methods through which civil society might strengthen oversight of government operations.

While this project was designed to encourage growth and capacity building of civil society organizations concerned with good governance, sub-grantees were specifically prohibited from using grant funds to gather research data or focus public attention on a specific individual act of corruption, malfeasance, or abuse of power. (The exception to this guideline was for the development of case study materials on a case for which the courts had issued a final judgment.)

Since the introduction of the new Constitution in 1997, many civil society organizations have become much more aware of, and involved in, the surveillance of corruption. Currently there is no formal mechanism through which civil society directly collaborates with the NCCC in part because the Commission functions like any other unit in the state bureaucracy lacking a tradition of working with civil society. In addition, the confidentiality requirements surrounding the information handled by the NCCC further limit the extent to which outsiders can participate or assist in the surveillance process. The exception is for ministers whose statements are a matter of public record in accordance with Section 293, para 2 of the 1997 Constitution.¹⁴ Therefore, civil society and the media have taken on an independent role to initiate and pursue alleged instances of corruption and then submit their information and evidence to the NCCC.

The Asia Foundation entered into four sub-grant agreements to experiment with different models of civil society organization to sustain political will for ethical reform and good governance, as well as to conduct activities which would strengthen civil society oversight of government operations. These agreements were with Transparency Thailand (formerly Transparency International Thailand), the Anti-Corruption Network (ANC) of the Consumer Foundation of Thailand, the Working Group for Research and Training on Administrative Case Law (RTACL), and the Environmental Litigation and Advocacy for the Wants (EnLaw).

¹⁴ Constitution of the Kingdom of Thailand, 1997, Section 293, para 2: “The account and supporting documents under paragraph one submitted by the Prime Minister and Ministers shall be disclosed to public without delay

3.2 Output

3.2.1 Transparency Thailand

The Asia Foundation provided Transparency Thailand (TT) with both program and administrative support funds. The majority of funds were to support full-time program staff with the capacity to provide follow-up to decisions made by the TT Board of Trustees, to organize volunteers to carry out these activities, and finally to conduct fund raising to expand program activities. As a result, during the AERA Project, the Foundation invested \$53,900 of USAID funds in TT for both administration and project support. The administrative support made it possible for TT staff to secure an additional \$307,275 in project assistance from five other sources: the Ford Foundation, UNDP, the Thailand Development Research Institute, the Fredrick Ebert Stiftung (Foundation), and from private individuals. It is critical to note that most funding agencies refuse to provide organizations with administrative support, restricting their funds to specific project activities. However, were it not for USAID's willingness to allow the Foundation to provide modest administrative support, TT would not have had the staff to pursue, and to continue to pursue, additional project funding.

AERA support assisted TT, to conduct five basic projects: Public Awareness Raising through Radio, Promoting Investigative Journalism, Promoting Research on Corruption, Story Books to Change Values and Attitudes, and Networking with Other Organizations.

Activities not directly funded by USAID, which were assisted nevertheless through USAID's support for TT's administrative staff structure, included dissemination of Transparency International's annual Corruption Perception Index, the organization of a corruption panel for the Thailand Development Research Institute's annual year-end conference, and the production of a monthly newsletter. The Asia Foundation provided TT with private funds to develop a national web site and to hire full-time staff to maintain the web site. Finally, with support from the Ford Foundation, TT conducted a national opinion survey on the issue of "unusual wealth."

3.2.1.1 Public Awareness Raising Through Radio

TT's initial radio programming consisted of a series of two minute public service announcements on corruption. This was a learning experience in radio production and a method of building relationships with radio stations. The experiment enabled TT in July 2001 to secure a weekly two-hour spot each Saturday afternoon from 12:30 to 2:30 on Ruam

but not later than thirty days as from the date of the expiration of the time limit for the submission of such account." The NCCC is currently in breach of the intent of Section 293, para 2.

Duay Chuai Kan (INN Radio) radio station FM 96.0. Ruam Duay is considered the “CNN of Thai radio” and is nationally popular. The program has addressed a range of issues heavily covered by the media including: Media Reform, Progress in the Ministry of Public Health Scandal, the Fertilizer Scandal, the 3rd Anniversary of the NCCC, the Operations of the Hong Kong Commission Against Corruption, the Agricultural Products Scandal, Corruption at the State Railways of Thailand, and TT’s own Corruption Case of the Year.

In January 2002, TT expanded its radio coverage with an additional 15-minute production aired every Saturday evening from 18:15 to 18:30 over ten local radio stations. However, due to the popularity of this program, it was moved to the Army radio stations in their 18:15-18:30, Friday evening time slot. This is considered a prime time slot for those stuck in Bangkok’s notorious evening rush-hour traffic. These programs have highlighted a number of issues including Conflict of Interest, the Role of Youth in Fighting Corruption, the Unusually Rich, the Anti-Trust Law and Corruption, and Monopoly and Corruption.

The development of program scripts and the coordination of guest speakers by TT administrative staff were funded by USAID during the AERA Project. These programs continue to be produced in cooperation with the Journalism Association of Thailand, which provides hosts and moderators, while TT Board members and volunteers serve as guests. Air time is provided gratis by the stations.

3.2.1.2 Promoting Investigative Journalism

To improve the quality of reporting on transparency issues, TT cooperated with the Thai Journalists Association to organize a workshop on investigative journalism for print journalists in mid-December, 2001. TT and the Thai Broadcast Journalists Association organized a second workshop in March, 2002 to improve investigative journalism among broadcasters. TT then announced the creation of a “Best Media Award on Corruption”. After a panel review of stories from the previous year, two journalists were selected to receive an award: one from *Matichon* for a series on corruption in the building of the Bangkok-Chon Buri expressway, and one from *Than Thurakit* for a series on corruption in the procurement of a dredger by the Harbor Department from the United States. In both instances, the stories broken by these two papers became major news items. While police investigation of the expressway case continues, the officials involved in the dredger case were charged by the NCCC with corruption and abuse of power in August 2003 and their criminal court trials commenced in January 2004.

The awards (a plaque and a check for \$625 funded by USAID) were presented by TT Chairman, former Prime Minister Anand Panyarachun, at a gala dinner (funded by the Ford Foundation). The event, attended by over 300 representatives of the business community, NGOs, MPs and Senators, scholars and the media, was widely reported on by the media.

The gala dinner and award ceremony, which is now an annual event, was also used as a venue to provide other awards. Five secondary students were awarded scholarships for their winning essays on “My View of Corruption”. The Youth Essay Contest was a follow-up activity to the Youth Anti-Corruption Training Program (see below). Anand Panyarachun presented each of the students their award (a plaque and a \$250 scholarship funded by USAID).

3.2.1.3 Promoting Research on Corruption

TT provided funds to support a number of research projects, which can be found on TT’s website, www.transparency-thailand.org. Among the Thai-language reports that resulted from this program, are:

1. Dr. Nualnoi Trirat, “Combating against Corruption: Political Reform and Social Movement”
2. Pipob Thongchai, “Lessons from the New Constitution and Movement against Corruption”
3. Prasong Lertrattanavisut, “Problems in Using the Official Information Act to Investigate Government Departments”
4. Chavarong Limpatamapanee, “The Role of Newspapers in Combating Corruption”
5. Rossana Tositrakul, “Lessons from NGOs in the Case of the Public Health Scandal”.

3.2.1.4 Story Books to Change Values and Attitudes

Many traditional Thai tales are centered on the character of Sri Thanonchai, which generations of Thai parents have handed down to their children from the Ayutthaya Period (16th and 17th Century). These tales are as familiar to Thai children as Aesop’s Fables and Grimm’s Fairy Tales are to Western children. However, the morals of most of the Sri Thanonchai Tales support corruption, conflict of interest and the rewards of *not* being transparent or accountable. To address this problem, TT introduced the Children’s Story Book Project. The objective of this endeavor is to develop a series of children’s books for use in schools and for general readership that would provide Thai children with a proper perspective on corruption and conflict of interest that would counteract or replace that of the Sri Thanonchai Tales. Writers and artists contributed their time to develop the first five titles in this series:

1. All Because of a Wooden Case
2. The Light from the Lighthouse
3. The Adventure of Little “Farsai”
4. The Story of the Giant Caterpillar
5. The Village of Virtue and the Little Demon

In late 2002, TT pilot tested the stories with 15 children in the NIDA Child Center and with 40 children at the Timreanvej Community Center. After testing the stories, a meeting among good governance experts (Dr. Ammar Siamwala, Pol. Gen. Vasil Dejkanjor, Dr. Juree Vichit-Vadakan, Dr. Chirawan Bhakdibutr and Dr. Kanokkan Anukansai) brainstormed how to improve the stories. Initial publication is expected in mid-2004.

3.2.1.5 Networking With Other Organizations

TT was able to overcome the NCCC's initial resistance to working closely with civil society organizations by developing a partnership with the NCCC through such co-sponsored activities as a campaign to develop anti-corruption slogans. Over 1,000 slogans were submitted by citizens nationwide. Awards for the best slogans were announced in a radio program over FM 96.0

TT also built relations with other NGOs. For example, in cooperation with the Anti-Corruption Network, the Pridi Banomyong Foundation, and The Asia Foundation, TT co-sponsored a youth art contest on "Honesty". Over 800 students nationwide submitted their art. The award-winning art work can be viewed in the Transparency Art Gallery at www.transparency-thailand.org.

TT worked with the Anti-Corruption Network to launch a Youth Anti-Corruption Training Program in October-November, 2001. As a follow-up, participants have been invited to participate in a Youth Essay Contest on the topic "My View of Corruption". The results of this contest were announced in June 2002. Another public relations campaign launched to heighten public awareness of corruption was an anti-corruption music contest organized in cooperation with Ruam Duay Chuay Kan (City Radio Station).

TT is using its web site at www.transparency-thailand.org to further develop a counter-corruption network. (TT's multi-lingual website is supported by private funds donated by The Asia Foundation.) The website includes background information on the organization and activities of TT, links to its research and publications, and a user web board for users to participate in discussion of transparency issues.

Overall, TT has been very successful in raising public awareness of corruption, as well as ensuring that policy-makers are cognizant of public concerns with transparency and accountability.

3.2.2 Anti-Corruption Network

The Foundation made a sub-grant to the Anti-Corruption Network (ACN) to enable it to design a handbook and training program to assist network members and community organizations to more effectively monitor the procurement of public goods and services at

the local level. During the initial stage of the ACN project, the network sought to engage three target groups: 1) academics and national leaders in both governmental and non-governmental sectors, 2) coordinating organizations and agencies, and 3) grassroots organizations and community groups. The ACN viewed these target groups as a potential base on which to build a nationwide constituency and as a source of information and strategies for countering corruption. Representatives from these constituencies were invited by the ACN to a series of workshops and public forums to gather public input. After analyzing this input, the ACN revised its strategy and developed a new plan of action that focused on youth, grassroots organizations and community groups.

There were several significant findings from the early forum. For example, there was a consensus among academics and national leaders that corruption will be reduced only through the vigilance and efforts of citizens working on a common agenda to force change by bureaucrats and politicians. However, there was a common belief held among participants that corruption had become so ingrained in the lives of citizens that they often do not even realize one act or another is corruption. Youth are the long-term resolution to this dilemma; they must enter the adult world with appropriate values and attitudes while other actions are being taken to change the perceptions of adults.

Secondly, coordinating agencies concluded that every government project, whether national or local, whether large or small, is the target of corrupt officials. Even in instances where citizens are aware of the oversight tools and mechanisms available, they are often thwarted by official refusal to divulge even the most basic details about a project. In addition, rural citizens need mechanisms to which they can link to secure support in the form of information about monitoring techniques, legal interpretations, and technical advice (fiscal and scientific) in order that they can properly monitor government projects: simply being taught what tools and mechanisms are available and how to use them will be insufficient.

Third, within Thailand's complex patron-client system, particularly in areas controlled by "dark" influences, any attempt to monitor corruption is a direct threat to the holders of power and therefore citizen activists face the threat of bodily harm and deadly force. The ACN continues to consult with a broad range of partners to design a comprehensive strategy to address this serious problem.

In view of the fact that TT was addressing many of the national-level corruption issues, the ACN decided to focus its efforts on the next generation of citizens. Their strategy was to create a nationwide network of Youth Counter Corruption Clubs at the upper secondary and university level. To gain a basic understanding of how youth view corruption, ACN organized a Youth Counter Corruption Camp, in cooperation with TT, for 30 young people representing each region of the nation. The youth exhibited a high degree of interest in fighting corruption. While the majority understood corruption to include vote buying and

the use of political influence by local mafia in their immediate environment, they were unable to make a link between this level of corruption and the abuse of state power at the national level or the principles of conflict of interest.

To begin to address this lack of understanding, the ACN produced 12,000 pamphlets that it distributed to the public through its network members focusing on the government's policy toward the proposed Telecommunications Act. The pamphlet sought to draw attention to issues of conflict of interests and the emerging practice of policy corruption. Through ACN efforts these issues attracted increased public attention and assisted in raising many questions concerning the government's policy on corruption.

The ACN next organized a pilot training program for 27 high school teachers and administrators from Bangkok and surrounding provinces in order to promote development of a teacher's Democracy Buds Network that would serve as the advisors for the Youth Counter Corruption Clubs. Given the continued sensitivities of the word "corruption" at the local level, the organizers focused on democracy as a theme, where corruption and transparency were central elements. The trainees brainstormed how they could create greater transparency in school administration and how to open the education system for teachers and students to participate at a higher level in both administration and education.

At the end of the program, the participants established the Teacher's Club for Democracy Development, which has four objectives: to build a body of knowledge on democracy and current issues; to build awareness on democracy; to promote democracy in schools; and to create lead teachers and students in democracy development. The Club elected an administrative committee and a President to manage the Club. It is expected that the members will use the Club to network with other teachers and students in order to pursue Club objectives.

As the next step in creating counter-corruption clubs in schools, the ACN organized two training programs back-to-back for two groups of high school students (grade 10-12) from Bangkok and surrounding provinces at the Soi Yok National Park, Kanjanaburi. Many of the 100 students (50 in each program) were drawn from the schools whose teachers had attended the Democracy Buds Network training program. ACN named the student camps "Democracy Buds Camp" in order to help gain support from teachers and parents to allow the students to attend. During the four day program, the students were trained how to think systematically and to analyze problems, especially those related to corruption. From these two groups of students, the ACN hopes to identify new young leaders who will carry on the program's ideals into their university years and subsequent careers.

3.2.3 Working Group for Research and Training on Administrative Case Law

One of the new mechanisms under the 1997 Constitution designed to strengthen the capacity of citizens to oversee government operations is the Administrative Court. The court, established in 2000, provides citizens with the opportunity to seek redress or impose sanctions on government officials who abuse their authority in cases of alleged corruption or a human rights violation. Citizens placed great hope in the Court, as evidenced by the filing of 3,600 petitions in its first year of operation (through December, 2001). Nevertheless, because administrative case law is new in Thailand, few citizens (or police, lawyers, or judicial officials) understand Administrative Court procedures or jurisdiction. As a result, of the first 900 rulings the Court issued through December 2001, 700 rulings were for summary dismissal. That is, the Court rejected for formal review 78% of petitions received. In the view of the Foundation this single statistic indicates the Administrative Court is largely not an effective mechanism for citizen redress.

To address this problem, in April 2002 the Foundation issued a grant to the Working Group for Research and Training on Administrative Case Law. The working group, composed of young lawyers in the Office of the Council of State and the Secretariat of the Administrative Court, had both an understanding of the system and access to data that would enable them to conduct research on the obstacles and problems in the adjudication of cases filed with the Administrative Court. In their analysis of the 700 summary dismissals, they found that the fundamental causes for this high rate of rejection were that citizens and lawyers did not understand the meaning of administrative case law and were not familiar with the role or procedures of the Administrative Court.

Secondly, they concluded the Court itself must accept some blame because prior to the opening of the Court it had placed full page ads in all of the major newspapers and aired public service announcements on television and radio announcing how easy it would be to file a complaint. The Court hyped the ease by stating a petition could be written by hand rather than typed and could even be submitted via post rather than in person, resulting in a massive influx of petitions.

The Working Group therefore concluded there were two broad categories of problems that citizens faced in filing a petition with the Administrative Courts: 1) citizen's lack of understanding, or misperceptions, about administrative case law; and, 2) procedural errors. Four principle false perceptions that citizens had about the role of the Court that contributed to the rejection of their petitions by the Court were the following:

1. A suit may be filed against an official for any action taken by the official in his personal capacity. For example, a number of petitioners were filing to have the Court order an official to repay a loan on which they had defaulted.

However, citizens may file a suit against an official only for an action in his or her official capacity, not over personal issues.

2. The Court can overturn the ruling of another court. For example, a number of petitioners wanted the Court to order the criminal or civil court to reconsider a verdict.
3. The Court can order the disciplining or removal from office of an official or impose criminal penalties on an official.
4. The Court can accept all administrative law cases. In actual practice, there are laws that prohibit the Court from considering some cases, such as those going through the military courts, or special courts like the family court, bankruptcy court, or labor court.

In addition to the four misunderstandings about the role of the Administrative Courts, there were seven procedural errors common among cases that had been rejected by the Administrative Courts. These were:

1. The filer of the complaint is not the injured party as specified by the law under question. Different laws specify who injured parties might be.
2. An injury has yet to be incurred. A petition cannot be filed against an administrative unit that may have an impact on the rights of citizens until after the project or policy has been implemented and created an alleged injury.
3. The filer failed to submit their petition within the time period specified in the law, which is usually within 90 days of knowing about the problem or one year for infractions of regulations. However, statutes of limitation vary significantly and are subject to the time frame defined in each law or regulation.
4. The filer requests the Court to issue an order that the Court is not authorized to issue, such as removing an official from office.
5. The filer has failed to exhaust all other recourse stipulated by a law or regulation before filing their petition. **The Working Group found the failure to exhaust all other recourse to be the number one cause of case rejection by the Court.** They also believe it will be the most difficult to deal with because neither citizens nor lawyers are fully aware that different laws have different recourse procedures, and these procedures vary considerably. Although administrative laws require officials to inform citizens of their rights under a law, this rarely happens in actual practice.
6. The use of foul or improper language in the text of the petition.

7. The failure to clearly state the nature of the case and the remedy requested.

Based on this information, and drawing on AERA funds, the working group developed training programs and legal aid tools (manuals and a website) to ensure that citizens would have better access to redress for legitimate claims in the Administrative Court. The group developed A Manual: Administrative Case Law and Litigation in the Administrative Court, and Collected Laws: Procedures in Accordance with Administrative Law. They then piloted a training program to instruct lawyers how to file petitions with the court. Subject to the availability of funds, they will train more lawyers in the future.

In the interim, the Working Group created a web site www.law2day.com which contains all of the materials they developed under this project. They continue to add new materials each month. In addition, through the web site they provide legal aid advice to individual citizens who wish to file a complaint with the Administrative Courts.

3.2.4 Environmental Litigation and Advocacy for the Wants (EnLAW)

Previous research conducted by The Foundation and Thai researchers indicated that a large percentage of corruption cases and human rights abuses arises over land rights disputes and concerns by local communities over the degradation of their local environment. The Thai legal system, however, is ill-prepared to deal with such environment-based disputes because there are few independent advocates for public interest environmental law. To address this problem, the Foundation provided an AERA grant to the Environmental Litigation and Advocacy for the Wants (EnLAW) to pursue five project activities. First, they began building an environmental law database. Second, EnLAW organized a series of seminars at the National Human Rights Commission to analyze various problems with environmental law and enforcement. Third, working through network of lawyers and environmental NGOs they created a manual to raise public understanding of environmental law and who to contact for assistance. Fourth, working in consultation with the Law Society of Thailand, EnLAW developed a training program for lawyers in environmental law. Finally, EnLAW staff worked on a taskforce of NGOs and academics to analyze the National Environmental Quality Act, with a view toward the development of recommendations to strengthen the act and its enforcement.

The EnLAW database focuses on the major obstacles in the enforcement of Thai environmental laws as well as scientific technical data. By building this data base, environmental lawyers will be able to substantially reduce the time required for research to prepare cases because all relevant materials will be in one place. Equally important, the database serves as a resource for young lawyers interested in learning more about environmental litigation. Currently, the data base has six detailed components:

1. Cobalt-60 radiation exposure
2. Lead exposure in ground water due to mining
3. Chemical pollution in industrial estates (Mab Ta Pood Industrial Estate)
4. Air pollution from coal and oil fired electrical power plants
5. Water pollution from industrial factories (Khon Kaen province)
6. Restitution standards in environmental litigation.

Although the environmental litigation training program developed by EnLAW was well received by participants, EnLaw was not satisfied with the outcome. Funds had been provided to train three groups of lawyers. However, EnLAW concluded that the training program was only a good introduction to the area of environmental law. To be effective, more in-depth training, through a series of linked workshops must be provided in order to provide lawyers with the knowledge and skills they will need to successfully litigate.

With financial support from the Blacksmith Institute, EnLAW lawyers filed suits in the Civil Court and the Administrative Court on behalf of the victims of a Cobalt-60 accident. The Administrative Court verdict handed down in September 2002 was deemed to be particularly significant by EnLAW and civil society because the Court ruled Thailand's nuclear regulatory agency had been grossly negligent in monitoring the storage of not only the Cobalt-60 in question but other nuclear wastes as well. This was the first case in which the new Administrative Court had found an agency to be negligent and awarded compensation to the victims. It was also the first court ruling in Thailand in favor of the victims of an environmental disaster. Since the restitution amount set by the Central Administrative Court was deemed to be insufficient to cover medical and other expenses, EnLAW filed an appeal to the Supreme Administrative Court to seek higher restitution. This case helped to build EnLAW's reputation for pursuing citizen redress on environmental issues. Currently EnLAW is pursuing the litigation of two lead-poisoning cases resulting from lead mining: Klity Creek Lead Mine and KEMCO, again drawing on Blackstone Institute funds.

Through support to EnLAW, USAID assisted Thailand to develop legal expertise in an important area of public law. Within its first year of operations, the organization won a significant case establishing its reputation for environmental litigation. This in turn helped to attract a number of younger lawyers to this field of law, thus setting the stage for the development of a larger pool of environmental litigation expertise for citizens and communities to rely on.

3.3 Intermediate Results and Performance Indicators

In order to measure achievement of Strategic Objective 2, Civil Society Advocacy for Ethical Standards Strengthened, TAF established the following intermediate result:

Non-adversarial partnerships and accountability networks among civil society organizations, academics, civil servants, politicians, the business community, and the NCCC strengthen to increase public oversight of NCCC activities.

Based on the established performance indicators, success in achieving this intermediate result has been satisfactory, and in some instances substantial. However, as explained below, some indicators were only minimally successful. The indicators were as follows:

1. The number of NCCC webpage hits

Moderately Successful: According to statistics from Truehit¹⁵, the number of persons visiting the NCCC web site during the first half of 2003 was over 1,000 per month, (30-35 hits per day). The web site is currently ranked between the 1,000 -1,500 most visited web sites from among 10,000 member web sites. This indicates a high level of public interest as most sites in the top 2,000 are commercial and “edutainment”. This website only began operations in 2000, so its growth over the past three years has been impressive. However, the site needs further development and better weekly management of new content in order to make it more attractive.

2. The sales of books devoted to NCCC case

Successful: In order to gauge the availability of literature devoted to NCCC cases, Foundation staff and the TDRI Evaluation Team conducted a survey at (1) Chulalongkorn University, which is perceived to have the most comprehensive collection of books on political science; (2) Nai - In Bookstore and (3) Dog Yaa Bookstore, the two largest Thai-language bookstore chains. The titles relevant to the NCCC and corruption issues in general were:

1. Civil Society against Corruption in Pharmaceutical Procurement, 2003;
2. Power and Corruption: Ministry of Health, 2003;
3. The Khlong Dan Water Treatment Plant: A Case of National Shame, 2003;

¹⁵ Truehit is a web site traffic monitoring tool run by the Government Information Technology Services under the National Electronics and Computer Technology Centre (NECTEC), which is part of the National Science Technology Development Agency (NSTDA), Ministry of Science and Technology.

4. The Economy of Gambling, 2003;
5. White Paper on the Building of the Nong Ngu Hoa Airport, 2002;
6. Historical Decision: Prime Minister Thaksin Won His Case Concerning His Undeclared Equity Shares, 2001;
7. The Constitutional Court's Decision on Thaksin Shinawatra, 2001;
8. Corruption In Thailand (a study by the Civil Service Commission), 2001
9. Historical Case: Maj. General Sanan Kajornprasart, 2000
10. Corruption in Foreign Trade, 2000;

Over the past four years, on the subject of corruption, there have been ten (10) books published: four (4) volumes in 2003; one (1) in 2002; three (3) in 2001; and two (2) in 2000. This is in sharp contrast to the previous four years (1996-1999), when only two corruption titles were published (and still available in local bookstores): Corruption in the Thai Bureaucratic System, 1998; and Guns, Girls, Gambling and Ganja (also available in English), 1998. Another title, published in 1994, also is still easily found in many bookstores, the seminal Corruption and Democracy in Thailand (also available in English).

It should be noted that all three pre-2000 titles were the result of grants from The Asia Foundation. Seven of the ten post-2000 titles were entirely commercial ventures. These numbers indicate that there is a growing interest in books concerning corruption as demonstrated by the expanding commercial market for books in this subject area.

3. The sales of magazines devoted to discussion of NCCC case

Successful: Just as there has been a significant increase in the publication of books concerned with corruption, there has been a significant growth in the appearance of magazine articles concerned with corruption. This is evidenced by a review of the two major Thai-language weekly magazines during the one-month period, July 3 – August 3, 2003. This month is a particularly relevant measure because there were no major corruption cases being discussed elsewhere in the media during this period.

Matichon Weekly

- Arayan Tawanna, *Special Interview* “Recipe for Dealing with Mafias” with Dr. Sangsit Piriyaarangsarn” 27 June –3 July 2003 No. 1193 p. 14.
- Salaya Prachachart *Special Scoop* “Wan Nor and the Other Side of the Coin: Relatives' Shareholding in Islamic Banks and the Third House at Kao Yai National Park” 27 June –3 July 2003 No. 1193 p. 16.
- Salaya Prachachart *Special Scoop* “Introducing "Ms Kamolmarn Wattanatorn, the Lady at Wan Nor's House and the Mystery at Kao Yai National Park, 1-8 August 2003 No. 1198 p. 16.

Nation Weekly

- Chuwat Rirkisirisuk *Special Report* “ 54 years ‘Thaksin: Five years Thai Rak Thai: The Story of a Rich Man’ 28 July – 3 August 2003 No. 582
- Somkiat Pongpaibul *The Societal Wave* “The Criminal Network: The Satan of Corruption (part 1)” 28 July – 3 August 2003 No. 582
- Somkiat Pongpaibul *The Societal Wave* “The Criminal Network: The Satan of Corruption (part 2)”, 4 – 10 August 2003 No. 583

4. *The number of civil society organizations that have 1) a primary focus, or 2) a secondary interest in the promotion of ethical standards in governance.*

Very Successful: While there were few organizations concerned with good governance and counter-corruption prior to the initiation of the AERA Good Governance Project, today there are a wide variety of NGOs serving as watchdogs. Over the past seven years, there has been a significant increase in the number of civil society organizations focused on corruption.¹⁶ In 1996, there were no civil society organizations that had a primary focus on ethical standards in governance. Today, however, TAF recognizes the emergence of four organizations that have a primary focus on counter-corruption activities: The Anti-Corruption Network, Transparency Thailand, The Anti-Corruption Coalition and The People’s Rights and Freedom Protection Group.

The first two organizations were both supported through the AERA Project, and through this support they were able to firmly establish themselves as leaders in good governance. TAF chose not to support the Anti-Corruption Coalition because, although it espoused counter-corruption principles, from the perspective of TAF, its leadership’s actual agenda was to overturn eleven pieces of legislation passed during the Chuan Administration to aid Thailand in overcoming the 1997 Financial Crisis. Most of the leadership were members of the so-called “non-performing loan club” who refused to service their debts and were particularly focused on the overthrow of the Bankruptcy Act. The People’s Rights and Freedom Protection Group, which has actually been one of the most successful watchdogs in terms of uncovering graft that led to prosecutions, refuses all domestic and foreign funding in order to ensure its ethical standards.

¹⁶ Counting the number of civil society organizations with a primary or secondary focus on the promotion of ethical standards in governance is not a straightforward task. First, although civil society organizations are required to be registered at the Office of National Culture Commission if they wish to receive public funding, those who dismiss public funding normally do not register. Thus, relying on government information could lead to one missing important organizations that have chosen not to register. Moreover, one cannot take at face value the stated objectives presented in an organization’s registration papers as an indicator of whether the particular organization is actually involved in the promotion of ethical standards in governance. In view of these two factors, TAF has adopted a more subjective method of counting the number of organizations by using their professed association with anti-corruption networks.

TAF estimates that there are, at a minimum, 46 civil society organizations that today have a secondary focus on ethical standards, all as a direct result of USAID/TAF support. None of these organizations was directly involved in counter-corruption activities prior to the initiation of the AERA Project. These organizations include the 28 members of the Anti-Corruption Network led by Ms. Rosana Tositrakul of the Thai Holistic Health Foundation. Another 18 organizations (along with 13 members of the Anti-Corruption Network) were involved in pursuit of a case of massive corruption in the procurement of medical supplies. This movement was led by the Rural Pharmacist's Society. The names of these 46 organizations are:

Anti-Corruption Network

- 1) Roiet Civil Society
- 2) Nong Bua Lam Phu Civil Society
- 3) Amnatcharoen Civil Society
- 4) Mahasarakham Consumer Network
- 5) Udonthani Civil Society
- 6) The Forest and Sea for Life Project
- 7) Campaign for Popular Democracy
- 8) Project for Ecological Recovery
- 9) Union for Civil Liberties
- 10) Assembly Isaan Farmers
- 11) Sisaket Civil Society
- 12) The Development Support Committee
- 13) Spirit in Education Movement
- 14) Aids Access Foundation
- 15) Arom Pong Pangun Foundation
- 16) Consumer Foundation
- 17) Rural Pharmacist's Society
- 18) Buriram Rights Network
- 19) Chiangmai Consumer Protection Club
- 20) NGO Coordinating Committee on Development
- 21) The Alternative Agriculture Network
- 22) Bio Thai
- 23) The North Eastern Thailand Development Foundation
- 24) Human Resource Promotion for Social Development Foundation
- 25) Pridi Panomyong Institute
- 26) The Alternative Energy for the Future Group

- 27) Campaign for Alternative Industry Network
 ?????????????????????????????????
- 28) Duang Prateep Foundation ?????????????????

Anti-corruption Network in the Case of Corruption in the Procurement of Pharmaceuticals

- 1) NGO Coordinating Committee on Development
 ??? (*)
- 2) Thai Volunteer Service Foundation ?????????????????????????????????????
- 3) Thai NGO Coalition on AIDS
 ???
- 4) The Network of People with HIV/Aids ?????????????????????????????????????
- 5) Foundation of Children ?????????????????
- 6) Moh-Chao-Ban Foundation ?????????????????????????????
- 7) Komol KimTong Foundation ?????????????????????????????
- 8) Campaign for Alternative Industry Network
 ??? (*)
- 9) Foundation for Agricultural and Rural Management ?????????????????????
- 10) Arom Pong PaNgun Foundation ????????????????????????????????? (*)
- 11) Bio Thai ??? (*)
- 12) Union for Civil Liberties ??? (*)
- 13) The Alternative Agriculture Network ????????????????????????????????? (*)
- 14) Thai Inter-Religious Commission for Development
 ???
- 15) Consumers' Interest Protection Association
 ???
- 16) Project for Consumer Protection: the National Council of Women of Thailand
 ???
- 17) Spirit in Education Movement ????????????????????????????? (*)
- 18) Technology for Rural and Ecological Enhancement / Khao Kwan Foundation
 ?????????????????????????????????????
- 19) Project for Ecological Recovery ????????????????????????????????? (*)
- 20) Green Net ???
- 21) Aids Access Foundation ????????????????????????????? (*)
- 22) Project for Consumption for Life in Songkhla
 ?????????????????????????????????
- 23) Foundation for Children's Better Life ?????????????????????
- 24) Duang Prateep Foundation ????????????????????? (*)
- 25) Consumer Foundation ?, ????????????????????? (*)
- 26) The Coordinating Committee for Primary Health Care of Thai NGOs
 ?????????????????
 ??? (?? .?? .
) (*)

- 27) The Alternative Energy for the Future Group
 ? (*)
- 28) Thai Holistic Health Foundation ? ? ? ? ? ? ? ? ? ? ? ? ? ? ? ? ?
- 29) Isan Farmers Cooperative Federation
 ?
- 30) Thai Development Support Committee
 ?
- 31) Rural Pharmacist's Society ? ? ? ? ? ? ? ? ? ? ? ? ? ? ?

5. *The number of cases in which citizens, civil society organizations, or the media provide information to the NCCC which questions the accuracy of an Asset and Liability Statement filed by a Prime Minister or Minister, as reported in the NCCC Annual Inspection and Performance Report and the media.*

Prachachart Turakit daily newspaper published an investigative report about Prime Minister Thaksin's concealed shares in September 2000. The report was prepared by Prasong Lertratanawisut, the best known investigative journalist in Thailand, who received his initial lead from Mr. Veera Somkhwamkid, Chairman of the People's Rights and Freedom Protection Group. In March 1999, Mr. Veera requested the NCCC to investigate the assets and liabilities of Maj-General Sanan Kachornprasart. In addition, the Rural Pharmacists Society was instrumental in gathering evidence against Rakkiat Sukthana.

Less Successful than Anticipated: The Rural Doctor Society and the Rural Pharmacist Society exposed corruption in the 1997 case involving procurement of pharmaceutical and medical supplies. The societies have prompted the investigations of the Minister of Public Health and of a number of high-ranking Ministry officials. Their evidence also led to the conviction of Chirayu Charasathian, Political Advisor to the Minister of Public Health.

fully disclosed to the public on the bulletin board of the NCCC on the day that NCCC is required to disclose the information. No copies are offered to the public. Thereafter, it is difficult for an individual to secure access to the “supporting documents” of any minister. On the NCCC’s website, only the “account” of each minister is posted. Without access to the details provided in the “supporting documents”, it is difficult for citizens or the media to effectively examine the ministers’ assets and liabilities.

7. The number of instances in which citizens, civil society organizations, or the media provide information to the NCCC which raised the issue of conflict of interest by a Prime Minister or Minister, as reported in the media.

Limited Success: A survey of the media indicates that the number of stories concerned with corruption has risen significantly since 2000. There have also been a growing number of stories highlighting conflicts of interest and “policy corruption”.. However, premised on other factors, it is clear that the general public still does not have in-depth understanding of conflict of interest, and that civil servants and politicians largely ignore new legislation to counter conflict of interest.

The following list of articles illustrates the growing interest of the media on the topic of corruption.

The Nation

- “SIDELINE: Totting Up the Damage to PM’s stature”, May 26, 2002.
- “VERDICT EXCERPTS: Thaksin Motivated ‘By Self-interest’”, September 1, 2001.
- “EDITORIAL: NCCC Loophole Fosters Corruption”, November 23, 2001.
- “PROPOSAL TO EXEMPT SPOUSES: Assets Law Faces Review”, November 22, 2001.
- “Asset Law Proposal Draws Fire”, November 23, 2001.
- “2 YEARS OF THAKSIN: He’s No Saint, but Do We Need One?”, February 10, 2003.
- “THAKSIN LAMBASTS DEBATE: ‘Scrutiny at its Lowest’”, May 28, 2002.
- “MIRROR SITE: ‘Third Party’ – Debate on Conflicts of Interest”, May 29, 2002.
- “SPECIAL: Political Ethics Is a Foreign Language”, October 25, 2001.
- “MIRROR SITE: Telecom Policy: a Coup that Shatters Idealism”, January 29, 2003.
- “MIRROR SITE: Telecom Saga Sets Alarm Bells Ringing”, January 9, 2002.
- “As Toyota Goes, So Goes the Nation”, February 11, 2002.

Bangkok Post

- “CHARTER AMENDMENTS RAISE CONFLICT OF INTEREST FEARS”, December 23, 2001.
- “TRT Votes To Back All Ministers”, May 28, 2002.
- “Politicians Not Serious About Charter Changes”, December 25, 2002.

- *The number of cases in which 50,000 members of civil society exercise their right under article 304¹⁷ of the 1997 Constitution to request the Senate to impeach an official under Article 303 of the 1997 Constitution.*

Moderately Successful: Civil society has only been moderately successful in using Section 304 of the 1997 Constitution. The challenge is that the procedural regulations prepared by the bureaucracy to implement Section 304 are perceived by civil society to be particularly onerous. The most significant obstacle is the cost of mounting a petition. The minimum cost, covering the cost of making the required photocopies of documents required from each person who signs the petition, is Baht 1,000,000 (\$25,000).

Nevertheless, a petition, organized by Sanan Kachornprasart, previously removed from office by the NCCC under the same charges as Thaksin, containing the names of 61,000 people was submitted to the Senate to remove four Constitutional Court judges that voted in favor of Prime Minister's Thaksin's in his alleged assets concealment case. These are Jumpol na Songkhla, Phan Jantharapan, Sak Techachan and Kamol Thongthammachat. The case is still under review.¹⁸

Rosana Tositrakul, the representative of a network of 30 non-governmental organizations, petitioned the Senate and the NCCC to continue investigating Rakkiat Sukthana, the former Minister of Public Health in connection with a drug procurement scandal. Mr. Rakkiat was accused of wrongfully tampering with a bidding regulation by abolishing a list of benchmark prices for drugs and the procurement of overpriced medical supplies in public hospitals. He was subsequently sentenced to 17 years in jail and his assets confiscated. He jumped bail the day his judgment was to be read, and his whereabouts are currently unknown.

3.4 Recommendations for Further Action

At this point, it may be difficult to promote a closer partnership between civil society and the NCCC for the various reasons mentioned earlier. However, building the monitoring or oversight capacity of civil society organizations would promote the work of the NCCC. Indeed, to date, most corruption cases have been brought to the attention of the NCCC either by the media or a civil society network. However, despite some improvements, investigative

¹⁷ Article 304: Members of the House of Representatives of not less than one-fourth of the total level of the existing members of the House or voters not less than fifty-thousand in number have a right to lodge with the President of the Senate a complaint in order to request the Senate pass a resolution 307 removing the persons under Article 303 from office. The said request shall clearly itemize the circumstances in which such persons have allegedly committed the act. Senators not less the one-fourth of the total number of the existing members of the Senate have a right to lodge with the President of the Senate a complaint in order to request the Senate to pass a resolution 307 removing a senator from office. The rules, procedure and conditions for the lodging of the complaint by the voters under paragraph one shall be in accordance with the organic law on counter corruption.

journalism is seriously lacking. Moreover, civil society organizations still lack financial and human resources to actively pursue many potential corruption cases. More problematic, certain members of anti-corruption networks have been sued as a result of pursuing corruption cases. TDRI has suggested the following activities to build the surveillance capacity of civil society organizations, to which The Asia Foundation concurs.

1. Establish a central database for government information that becomes available in the public domain as a result of a ruling by the Public Information Committee in compliance of the Public Information Act. Many journalists, academics and civil society organization members pursuing corruption cases have been successful in obtaining key information that can shed light on several corruption cases. It would be most useful if the disclosed information could be pooled and made accessible to the public via the internet.
2. Provide technical assistance and capacity building in investigative journalism through specialized training programs and advocacy efforts to ensure effective enforcement of the Public Information Act. Although awards are handed out each year for the best investigative reports, the selection is extremely limited in number and quality. Through better investigative journalism, the media can secure its rightful role as a corruption monitor.
3. Provide funding for NGOs to examine, investigate and pursue specific instances of corrupt practices. (The Foundation had been prohibited from doing this under the AERA Program.)
4. Provide research funding for NGOs that are interested in developing deeper knowledge and comprehension of specific subjects or issues, such as the various forms of conflict of interest or to analyze in-depth specific cases of corruption.

¹⁸ Thaksin and Sanan had been charged with making a false declaration of their assets while in office.

4.0 Sub-project 3: Public Participation in Oversight of Tambon Administrative Organization Needs Assessment Project (PPO)

4.1 Project Description

The Public Participation Project was designed to be a sub-project of the Building Civil Society Project. While the latter focused resources on building a network of civil society response mechanisms at the national level, the PPO Project focused directly at the lowest level of elected government, the Tambon Administrative Organization (TAO). Through field research in various regions of the country, the project sought to identify the important social, cultural, economic and political factors that affect public participation in the TAO; and to develop a set of recommendations for overcoming barriers created by these factors, or strengthening those factors which have a positive impact on participation. The project also was designed to identify and investigate a variety of methods of public participation that would increase efficiency in the delivery of public goods and services at the local level, while also reducing corruption.

The Asia Foundation drew on AERA funds to support two research teams to examine these issues through a combination of documentary research and field studies, including interviews with community leaders and TAO members, as well as focus groups. A team from the Political Economy Center of Chulalongkorn University conducted a national study on “Public Participation in the Oversight of Tambon Administrative Organizations”; and a team from Institute for Human Rights Protection and Development (IHRPD) conducted a national study on “The Role of Ethics and Conflict of Interest”.

These two research projects each examined the issues from different perspectives. In contrast to the political-economy approach of the team from the Political Economy Center, the Institute for Human Rights Protection and Development (IHRPD) examined the issue of good governance at the *tambon* level from a behavioral perspective. While the Political Economy Center team identified structural and systemic problems behind corruption at the local level, the IHRPD team focused on the contribution of moral or ethical lapses to the problem.

4.2 Output

4.2.1 Political Economy Center Findings

The Political Economy Center Team found that the lack of achievement of effective public participation may be attributed to Thai social practices and political mechanisms that run counter to laws facilitating and promoting it. Indeed, many of these practices and

mechanisms promote interference by central authorities, local and national civil servants, national level politicians, and local “dark influences”.

4.2.1.1 Obstacles to Public Participation

The team found that a host of challenges impede progress towards public participation in tambon level governance, including low levels of accountability (citizen suggestions often ignored), competition for funds, financial dependence on the central government, and poor TAO management. Overall, one of the most significant factors working against public participation is a general perception among citizens that TAO can do little to solve the actual problems of a community. This is because citizens believe those who seek TAO office do so only for their own personal gain, and it is clear who benefits from procurement decisions. Moreover, officials who control public hearings provide citizens with limited opportunities to participate in the budget planning that determines procurement, with citizens’ suggestions largely ignored or significantly modified. Citizens are not only discouraged by insincere, self-serving officials but by the use of legal terminology by officials, or overly-complex, control-oriented regulations imposed by central authorities.

Some well-intended projects, such as the World Bank-backed Social Investment Fund (SIF), actually create divisions within the community that run counter to effective participation. For example, SIF objectives and design limitations were not applicable to the actual needs of many communities. Second, it tended to create an overly-competitive environment when community groups sought to pursue limited funds. This was because the total budget for a community was established by central authorities based on criteria that had little to do with actual needs or potential for projects in any one community. In the case of the Village Million Baht fund, decisions ultimately rested with politicians. As a result, the projects actually promoted patron-client ties.

The study also concluded that the perpetual financial dependence of TAO on the central government hindered local participation. Only 10 per cent of a TAO’s total budget is derived from local taxes such as property tax, local administration tax, excise tax, value-added tax and business tax. Since the local community contributes marginally to the TAO’s budget, it lacks enthusiasm in monitoring how the budget is spent. Moreover, rigid budget procedure regulations established by the Ministry of Interior deprive the local community of any flexibility to design their own budget plan. Frequent revisions of the budget plan also make monitoring very difficult.

Furthermore, the management of the TAO generally does not facilitate public participation. First, the average TAO does not have clear decision-making procedures and does not disclose as much information as it should. Second, most TAO do not have ties with

local non-governmental organizations or civil society, functioning very much like a state bureaucracy closed to participation from the outside. Third, areas that are central to the interest of the local community, in particular health and education, have not yet been decentralized. Finally, frequent disputes among members of the TAO concerning private business interests dissuade outsiders from being involved, as no one wants to be drawn into an internal wrangle.

The qualifications of TAO members and staff poses another serious problem. A majority of the staff lack the required experience in budget and project design, program management and procurement. The lack of qualified human resources combined with the absence of clear and transparent management procedures leave TAO wide open to corruption. Many TAO members have close patron-client ties with local and national politicians, large businesses and government officials. Within this context, many members view corruption as normal behavior.

4.2.1.2 Recommendations

The study provides several recommendations. With respect to the institutional structure and the administration of TAO's, it was suggested that TAO's should be granted greater flexibility in managing their budget. Budget control should focus less on procedures and more on the output and outcome of the allocation and that good governance principles should be incorporated into local administration. Local communities should be granted legal rights to participate in the administration and be made aware of their rights as taxpayers.

Disgruntled individuals may file a complaint through official or unofficial channels, such as at public gatherings and through the media. The study finds that the channels for complaints differ across TAO's and that unofficial channels are generally more effective. Most complaints concern the lack of transparency in administration. These include, for example, the issuance of checks with an amount payable greater than the amount specified in the project plan and the incorporation of new projects into an already approved annual budget plan without prompt notification or amendment of decisions made at village meetings.

Concerning public oversight, the study recommends that building public awareness is most urgent. Local communities need to recognize that TAO's are not branches of the central government but representatives of local communities in the administration of sub-districts. Therefore, local communities have full rights to monitor their performance. The NCCC and the State Audit Office, which are directly involved with the auditing and monitoring of the TAO's, should take part in building awareness among local communities. They should also develop networks with local communities that can help with surveillance and collaborate with local academic institutions and local civil society groups, in particular

when both organizations face serious resource constraints. For example, the State Audit Organization can audit the accounts of only 10% of the TAO's each year. Thus, the pertinent budget information must be readily accessible by the local community. Similarly, the NCCC should place efforts in auditing the asset and liability reports submitted by the TAO Administrative Board and members and disclose such information to the local community.¹⁹

It may be necessary to promote the establishment of independent monitoring mechanisms through which the local community could participate. In order to promote public monitoring, it is necessary to establish an effective witness protection program, with protection provided for employee whistleblowers. Finally, it would be useful to provide fora where TAO's could exchange experiences. Those that have been very successful in promoting public participation can become a role model for others in spreading good governance principles.

The researchers concluded that corruption at the TAO level is primarily due to the interference and control of central authorities, local officials, and influential groups at the local level. This interference starts with the development of the annual TAO budget plan that determines subsequent procurement. Over the years, it has become common practice to submit a plan that is essentially the same as the plan submitted in the previous year. Moreover, all TAO's essentially submit the same generic budget plans. Based on interviews in the case study TAO, the rationale for this phenomenon is clear. If an alternative plan is proposed, the TAO secretariat often refuse to accept it, noting that the District Office will merely return it for modification and that the secretariat does not wish to do any more work than necessary. As a result, even if a project was not required during any given year, in order not to lose funds, the project must be completed according to plan. Similarly, if bids were already prepared in a previous year, new bids in the subsequent year are not essential.

4.2.1.3 Procurement and Contracting

Corruption in procurement and contracting is most problematic in public works projects with budgets exceeding Baht 50,000 that require competitive bidding. Tender manipulation problems at the TAO level are often different than those at the national level because the projects are small and because TAO are distant from each other and the center. There are several common methods for tender manipulation:

- Median prices set by central authorities are not always relevant in the provinces. Depending on the item and market conditions, the actual price of an item in the

¹⁹ It should be noted, however, that under existing law, only the asset and liability reports of cabinet ministers can be disclosed to the public. However, in several cases, TAO's that are committed to "good governance" principles have voluntarily disclosed the information.

provinces may be significantly higher or lower than the median. The nation's largest construction material distributors have agents in nearly every province that establish and protect the prices of basic construction materials. Essentially, construction companies must base their quotes on the cost of materials set by these firms. Moreover, these affiliate firms or networks can guarantee they will provide the quantity and quality of materials requested, whereas a smaller, unaffiliated firm offering a more competitive price might not be able to source them with the exact specifications stipulated.

- Civil servants and retired civil servants (both green and khaki) are the owners of large construction firms that have numerous affiliates. The duty of the owner of the parent firm is to use his/her influence and prestige to smooth relations with the TAO and build confidence in the affiliate's bid. In other cases, village headman, kamnan, and TAO members (both elected and civil servants) own construction companies but use the names of other individuals as the owners of record.
- The larger construction companies conspire with each other to prevent smaller firms from winning contracts through rule manipulation and intimidation. For example, construction firms normally do not cross into the territories of other firms, thereby often limiting tender competition to two or three firms.
- Local people cannot bid on projects because tender rules require that they demonstrate previous public works activities, effectively shutting them out of any competition. While the impetus behind this rule may have been promoting quality control, the actual impact of this rule at the TAO level is to restrict competition and thereby reduce incentives for established firms to provide quality workmanship.

Once a bid has been approved and an award granted, there is often a lack of transparency in project administration. For example, there is the use of such terms as "other expenses" that TAO are unable to review in terms of reasonableness or necessity. Moreover, receipt fraud is endemic in which materials to be procured from one licensed vendor are actually purchased at a lower price from other vendors with all receipts at a higher price in apparent order.

The TAO is required to have Inspection Committees for each project, of which two members must be local citizens. Officials have a tendency, however, to appoint citizens from their own circle to Inspection Committees. As a result, the work of committees is too often based on principles of friendship, family ties, or local patron-client relations. Based on such ties, too often documents or other data are assumed to be complete without question, and there is no investigation concerning the quality of the good or service delivered. When

provincial or national audit officials perform an inspection, they merely look to see if everything was done in accordance with the plan and that all receipts are in order. Special budgets set aside to assist villagers in the event of a natural disaster are particularly prone to policy corruption because such funds are easily and quickly secured. They are often used for purposes that are not in line with the actual needs of a community.

4.2.2. Institute for Human Rights Protection and Development

The IHRPD's research pointed to a basic lack of comprehension by both officials and citizens of such concepts as conflict of interest and ethics in governance, and the inter-relationship between ethics and accountability, transparency, honesty, and fairness.

Through use of the SWOT analysis technique, IHRPD assisted participants in six target districts to identify the nature of the problems in their community and potential solutions to these problems. However, due to the fact that the input section of the program focused on issues of ethics in good governance, the solutions focused on changes in attitudes and values of ethical governance rather than on reforming structures or systems. As a result, IHRPD's more sociological observations led to the development of a recommendation that public relations programs and training be implemented to promote understanding and adoption of a series of 34 virtues. The 34 characteristics or changes can be summarized under six categories:

- Seven Participations: thinking, carefully listening, deeply considering, deciding, influencing, taking action, and receiving the results.
- Nine Principles: responsibility, transparency, accountability, efficiency, steadfast, friendly, enduring, careful, and righteous.
- Ten Virtues: honesty, sacrifice, courage, faith in goodness, empathy, understanding, trust, respect, generosity, and faith in morals.
- Seven Strengths: consciousness, intelligence, creative thinking, heart, discourse, merit, and physical strength.
- Three Sectors: organization, sustainability, and mutual benefit.
- Eight Targets: self-help, mutual-help, support the family, support strong community, build peaceful society, build love and respect, build team spirit, and build human rights traditions.

In order to promote these values and attitudes, project organizers promoted creation of a Congress of Good Governance for Community Development of Thailand in each of the target provinces, and a national body to serve as a focal point for provincial congresses.

Each congress is charged with working with local community groups, officials, and TAO to promote good governance through observation and promotion of the 34 characteristics.

4.3 Intermediate Results and Performance Indicators

In order to measure achievement of Strategic Objective 3, “Public Participation in the Oversight of Local Administration Strengthened”, TAF established the following intermediate result:

Public policy debate and consensus on methods of strengthening public participation in, and oversight of TAO.

Based on the two established performance indicators, there has only been partial success in achieving this intermediate result.

1. Social, cultural, economic and political factors that affect public participation identified, and recommendations for overcoming obstacles proposed.

Successful: As demonstrated by the results of the two research projects, a variety of social, cultural, economic and political factors that affect public participation have been identified, and recommendations for overcoming these obstacles have been proposed. However, to date, no action has been taken on these recommendations.

2. Methods investigated to increase public participation which promote the efficient provision of public goods and services, reduce corruption, and recommendations for overcoming obstacles proposed.

Successful: As demonstrated by the results of the two research projects, methods have been investigated to increase public participation that promotes the efficient provision of public goods and services and reduces corruption. Recommendations for overcoming the obstacles have been proposed. However, to date, no action has been taken on most these recommendations due to lack of political will. One positive outcome, however, is that members of the Public Administration Association of Thailand (PAA) who reviewed these studies in their capacity as advisors to the House and Senate Budget Scrutiny Standing Committees, were requested by the committees to conduct research on the feasibility of implementing an e-Procurement system.

4.4 Recommendations for Further Action

There are several projects funded by international organizations such as the UNDP and the ADB that promote good governance in the administration of TAO's. For example, the UNDP has provided funding for the preparation and publication of a "Good Governance Manual" for local administration. The manual contains "practical steps" to be taken in order to ensure that key administrative procedures are consistent with the rule of law, transparent, accountable, ethical, fair and free of conflicts of interest. Also, the Committee on the Devolution of Power to the Local Administration in the Ministry of Interior has developed a list of good governance indicators in order to assess the extent to which a TAO is administered according to good governance principles. It also presents a "Good Governance Award" to the TAO that receives the highest score.

Neither of these projects, however, addresses the values and attitudes of either citizens or officials toward the role of civil society in monitoring the activities of TAO or toward citizen participation in TAO decision-making. Equally critical, these programs fail to provide either citizens or officials with the technical skills required for oversight and participation.

It is therefore essential that communities be provided with training that will both change values and attitudes while providing both citizens and officials with necessary skills in such areas as program planning, monitoring and evaluation, as well as organizing public participation.

5.0 Sub - project 4: Procurement Needs Assessment Project

5.1 Project Description and Output

As noted in the previous section, researchers at the Political Economy Center concluded that every procurement transaction in Thailand, at both local and national levels, is a target of corruption. Members of the Public Administration Association of Thailand (PAA) reviewed the PEC study in their capacity as advisors to the House and Senate Budget Scrutiny Standing Committees. They noted that corrupt officials can target procurement transactions at three different stages: 1) when officials request their annual budget, 2) when the Budget Bureau, the Cabinet, and Parliament approve annual budgets, and, 3) when specific procurement plans are designed and implemented. They further argued that as procurement becomes more decentralized to the TAO level, the capacity of audit agencies or parliament to identify specific acts of corruption will become increasingly difficult due to the sheer amount of data coming in from a substantively higher number of agencies (e.g. from individual TAO councils, rather than from only agencies within ministries), and therefore systems must be developed to enable both officials and civil society to monitor procurement of public goods and services.

TAF provided support to a PAA team to research a select group of case studies to pinpoint and describe how corruption in procurement occurs at the three different levels in the procurement process and to develop recommendations to make it more difficult to engage in such corruption. The team also sought to determine if e-procurement would be a viable solution to reduce each of the many types of corruption that would be analyzed in the case studies. Many of the procurement problems were already well-known but to date no comprehensive description had been prepared to serve as the base for a reasoned campaign to fight corruption in procurement. Secondly, no comprehensive examination had been made of how e-procurement might serve as a resolution of corruption.

The PAA team was aware that there is critical resistance among some circles of officials to adopting e-procurement solutions precisely because they understand how effective they could be. Therefore, if Thailand is to move forward in an expeditious manner with the adoption of e-procurement, a broader audience in society must become aware of the benefits of e-procurement in order to create constituencies strong enough to overcome official resistance.

In October 2002, the administration of Prime Minister Taksin Shinawatra announced that every state agency must conduct one form of eProcurement or electronic auctioning, at least once each year. In early December 2002, the Cabinet approved a proposal by the Information and Communications Technology Ministry to change the

procurement regulations to facilitate eProcurement. On December 25, 2002 Thailand's first online government procurement was made by the Excise Department, which involved the purchase of 124 computer tables and chairs. Under Cabinet guidelines each ministry is to set up its own web site to advertise procurement projects and report the results to Cabinet every two months. The government expects all procurement projects to be conducted electronically by the year 2005.

Preliminary results indicate that the electronic auctioning was able to reduce procurement costs by 10-15%. Certain state agencies and enterprises such as the Public Works Department, the Electricity Generating Authority of Thailand and the Provincial Electricity Authority, have begun to announce their procurement opportunities through the internet. However, the government has not yet extended e-procurement to e-tendering, which refers to the procurement of high-value and technically complex products such as armaments, which are particularly prone to corruption.

5.2 Intermediate Results and Performance Indicators

In order to measure achievement of Strategic Objective 4, “e-Procurement Action Plan Developed”, TAF established the following intermediate result:

Public policy debate and consensus reached on the advantages of adopting an e-procurement system for national and local governments.

TAF selected a series of four performance indicators to measure the intermediate result.

- 1. Media reports on the effectiveness of eprocurement well received by the public as evidenced by continued reporting on the issue.*

Moderately Successful: Since the Prime Minister declared his policy to promote electronic procurement, the issue has received constant coverage in both Thai and English newspapers. *Business News* provided a four-part series on e-procurement during the month of April-May, 2003. Although most information on e-procurement is provided by government sources, reporters have become more proficient in preparing their stories by relying on other sources to give breadth to their reports – an indicator of their own increased proficiency at using the internet to research stories. Nevertheless, because the primary source of information is the government, and because e-government journalism is in its infancy, there is still little investigative journalism on this issue. Therefore, for example, the public has not been made aware of the implementation problems that state agencies will be encountering. Also

problematic is that NGO's, civil society and particularly the business community have had little involvement with this issue; perhaps because of its technical complexity.

2. *House and Senate committees examine the appropriateness of e-procurement with proposal for adoption.*

Successful: The PAA study proposed that the Budget Bureau should require that all government agencies should eventually be required to report all procurement transactions to a central e-procurement unit. In October 2002, as part of the bureaucratic reform process, parliament passed adoption of the government recommendation to establish the Office of Procurement Management (OPM) within the Comptroller General Department, Ministry of Finance.

3. *Civic groups organize workshops and seminars to disseminate information on e-procurement building constituencies in favor of adoption.*

Moderately Successful: The Computer Science Association of Thailand, in cooperation with The Asia Foundation and the Prime Minister's e-Government Advisory Council, organized a series of non-AERA-supported fora to examine the issues of e-procurement, and other aspects of e-government. The conclusion of these fora was that the problem with implementation of any e-government project is not technology but rather a lack of cooperation from officials and the lack of qualified staff to implement projects.

4. *Agencies and officials opposed to e-procurement forced to provide explanations to Parliament, citizens, and the media for their opposition to e-procurement.*

Not Successful: The debate on installation of e-procurement systems has yet to reach the stage where vocal opponents have come out to resist reform. In part, this may be due to the fact the Prime Minister has become a champion of e-procurement and opposition to his policy is not opportune at this time.

5.3 Recommendations for Further Action

In order to promote e-procurement, five basic recommendations have been made:

1. The current procurement law does not support e-procurement; therefore, current procurement laws and regulations must be amended.

2. Improve the current procurement process to allow for greater transparency. For example, in defining the specification of products to be procured, the government agency should solicit opinions from all suppliers as well as third parties that are knowledgeable about the particular product.
3. The required human resource to support e-procurement in various government agencies is not available or is insufficient. It is therefore imperative to train officials in procurement divisions on how to implement e-procurement.
4. There is not yet an effective and impartial dispute settlement mechanism available in order to guarantee fair treatment for all suppliers. It will therefore be necessary to establish an independent dispute settlement body that will provide resolutions for disputes that may arise in procurement.
5. Initiate e-tendering for procurement of high-valued and complex items as this will generate significant cost savings.

6.0 Sub-project 5: National Human Rights Commission Provincial Network

6.1 Project Description

In 2002 the National Human Rights Commission (NHRC) opened its doors to become the newest constitutionally-mandated independent mechanism to be established under Thailand's reform constitution. Through a grant from The Asia Foundation (non-AERA funds) during 2001, commissioners-elect conducted a nationwide series of workshops to better inform themselves about the human rights issues ordinary citizens perceive to be critical. Discussions also assisted the commissioners to draft rules and regulations to govern the NHRC.

On the basis of these workshops, the commissioners came to three significant conclusions. First, there was a need to provide training to educate the public, and even their secretariat staff, on the meaning of human rights. Second, in view of the limited funds budgeted by the government for the operations of the NHRC, they would have to seek support for a broad range of research projects, particularly in the areas of land law and the stewardship of natural resources, which underlie so many rights abuses in the countryside. Third, they concluded that the eleven individual commissioners could not by themselves oversee the entire nation; the NHRC would have to build a nationwide network of NGOs and civic organizations to assist the commissioners to identify specific cases of human rights abuse, to gather evidence and prepare reports on incidents, and to provide victims of abuse with counseling and legal aid.

6.2 Output

6.2.1 Human Rights Training-of-Trainers and Curriculum Development

In order to assist the National Human Rights Commission to create a nationwide network of monitors, the first benchmark that had to be achieved was the development of master trainers with the potential, in pyramid fashion, to create a nationwide pool of trainers to provide potential monitors with the knowledge and skills required to effectively, and safely, monitor human rights abuses in the country-side. As the first step in achieving this benchmark, the Foundation initiated the design of a participatory, human rights training-of-trainers program to create a pool of master trainers. The Asia Foundation organized a one-day inception workshop, "Creation of a Human Rights Training Curriculum". The objective of the workshop was to enable specialists in Thai human rights to outline the broad contents of a proposed participatory training curriculum that the NHRC could use to assist in building

a nationwide network of monitors at the grass-roots level. The curriculum was envisioned also as a tool to train NHRC Secretariat Staff, as well as other officials who must deal with human rights issues.

The 43 participants in the inception workshop included three members of the NHRC and three Commission Secretariat staff; one representative each from the Ombudsman, the Ministry of Justice, the Civil Service Commission, and the National Council of Women's Affairs, two training specialists from the Election Commission of Thailand, five officials from the Ministry of Education, three Senators, one Member of Parliament, and representatives from a cross-section of Thai human rights NGOs and specialists in the design of participatory training curricula.

During June-July, 2002, the Foundation subsequently organized a series of working group sessions for curriculum development specialists, who drew on the results of the inception workshop to design the curriculum. The core members of the 19-person working group were four of the Foundation's own curriculum designer specialists. Other members of the working group included curriculum and participatory training specialists trained by the Foundation in previous programs from the Judge Advocate General's Office, the Election Commission of Thailand, the NHRC and the NHRC Secretariat, the Office of the National Commission on Women's Affairs, Amnesty International (Thailand), the Union for Civil Liberty, the Women and the Constitution Network, the Coordinating Committee for Human Rights in Thailand, the Thai Volunteer Service and Forum-Asia.

Members of the working group met for a series of strategy meetings and design sessions from July 1, 2002 through January 15, 2003. During this period they completed the basic design of a 70-hour training curriculum consisting of six sections. These sections are:

1. Human Rights Principles and Gender Perspectives
2. Basic Rights and Their Affirmation in Thai Laws and International Conventions
3. The Causes of Human Rights Violations and Protection Mechanisms
4. Non-Violence and Human Rights
5. Principles and Techniques for Participatory Human Rights Training
6. Hands-On Training and the Planning to Implement a Training Program

The Foundation piloted the 70-hour (nine-day) training program from January 20-29, 2003 in Nakorn Prathom Province to: 1) test the training curriculum under actual field conditions, and 2) to train an initial pool of master trainers. A total of 44 participants, 20 men and 24 women, successfully completed the January master training -of -trainers program. The participants were drawn from a cross-section of organizations, government and non-governmental, with a collective nationwide coverage and with individual missions to

provide training in human rights to various target audiences. There were participants from the Secretariat of the National Human Rights Commission, the Adjutant General's Office, the Ministry of Justice, the Baan Kret Home of the Ministry of Social Welfare, and the Continuing Education Department of the Ministry of Education. NGOs were represented by members of the October Network, the Thai Women Lawyers Association, the Thai Lawyers Association, TRAFCORD, the Association for the Promotion of Equal Rights, the Foundation for Environment, Amnesty International Thailand, the Thai Environmental Institute, the Northern Thai Farmers Association, the Thai Volunteer Association, Empower, MAP, the Mirror Art Group, the Foundation for Child's Rights Protection and the Center for the Promotion of Citizen Rights. There were also three academics from the Institute for Rural Development and King Prajadhipok's Institute.

The curriculum and training program was very well received by the participants. Among suggestions for improvements were the need for the development of additional case studies that could be used for hands-on training, increased attention on how to use the various mechanisms for protecting human rights (such as the new independent organizations under the constitution), and increased attention to hands-on training in dispute resolution (mediation and conciliation). Participants suggested considerable time could be saved for these activities by reducing the number of special lecturers and the overall reduction of lectures. On the other hand, some participants (13) believed the training program was too long and provided little time for relaxation.

As part of the development of the training curriculum, the Foundation issued a grant to the Center for Human Rights Law and Peace Education, Sukhothai Thammathirat University Faculty of Law to publish a comprehensive handbook on human rights in the Thai language. The handbook includes various chapters that discuss the origins and definitions of human rights, Thailand's accession to the UN Protocol on Citizen and Political Rights, the rights granted by the 1997 Constitution of the Kingdom of Thailand, mechanisms, (both domestic and international) for the protection and promotion of human rights, and Thai language translations of various international human rights protocols. The handbook was used as a resource for the Master Trainer Training Program and will be subsequently provided to participants in a broad range of other human rights training programs organized by partner organizations.

One immediate outcome of the master training program was that seven organizations approached the Foundation for technical assistance (in some cases funding) in order to adapt/replicate the training program for their own target audiences. These organizations include the National Human Rights Commission, the Ministries of Justice and Social Welfare, the Thai Lawyers Association and the Thai Women Lawyers Association.

6.2.2 Trafficking in Persons Monitors

In a parallel activity, a second working group developed a training program for Trafficking in Persons Monitors. The Workshop on Anti-trafficking in Women and Children had its origins in a Consultative Meeting on Anti-trafficking in Women held by The Asia Foundation in July 2002. Participants concluded a comprehensive training curriculum/workshop for concerned professionals would be critical to any sustained effort to combat trafficking in persons. As a result, a task force was established comprising technical experts and participatory training curriculum design specialists from The Asia Foundation, the Fight Against Child Exploitation (FACE), the Center for the Protection of Children's Rights (CPCR), the Thai Criminal Law Institution, the Law Society of Thailand, and the Women and Constitution Network.

The objective of the training workshop was to forge multi-professional networks among those working to combat trafficking in women and children from various professions involved in prevention, prosecution, reintegration and repatriation. There were 53 participants in the three-day workshop. They represented an advisor to the Commission on Women, Youth and the Elderly of the House of Representatives; five public prosecutors, one representative from the Ministry of Foreign Affairs, two doctors; two judges, three lawyers, one media professional, nineteen NGO workers, five social workers, and two staff from Lao Women's Union. A participatory training approach helped to expose the participants to the experiences of their multi-professional peers from both government and non-governmental organizations; to develop insights into the nature of each other's work-- needs, challenges, and solutions tried. Cumulatively the training process and experience prompted the participants to recognize the importance of collaboration among multi-professional teams to effectively combat trafficking and identify areas for current and future improvement and expansion.

An immediate, and significant, outcome of the workshop was a decision by the Office of the Attorney General to request TAF and partner organizations to develop a series of anti-trafficking workshops for public prosecutors. The working group designed a curriculum that was initially delivered to the next rotation of new assistant provincial public prosecutors. In keeping with the Foundation's emphasis on the development of multi-professional teams to combat trafficking, the OAG agreed that 40% of the participants for the public prosecutor training program would be drawn from non-governmental organizations, medical professionals, and other relevant government agencies. A second outcome of the workshop was a request by the Royal Thai Police to the Foundation for assistance in developing a core curriculum on trafficking in persons for police officials.

While Foundation staff are assisting in the development and implementation of anti-trafficking training for public prosecutors and the police, these programs are not financed by the Foundation. In both cases, funding is being provided by the U.S. Embassy through a grant to the Thai Government.

6.3 Intermediate Results and Performance Indicators:

In order to measure achievement of Strategic Objective 5, “National Human Rights Commission Capacity to Monitor Human Rights Violations Strengthened”, the Foundation established the following intermediate result:

A network of National Human Rights Commission Provincial Volunteers established and strengthened.

TAF selected a series of three performance indicators to measure this intermediate result.

1. Volunteers file regular reports via a secure internet system to the NHRC.

In progress; not yet achieved: A critical element in the creation of a national system of monitoring volunteers to assist the NHRC is the establishment of a secure method of communication between volunteers and the Commission. To this end, The Asia Foundation selected Martus (Greek for “witness”), a package of technology tools designed to bring efficiency and security to the storage and retrieval of human rights abuse information, as the most feasible option to establish a secure system of communication. Martus is essentially an open source email system that can be used off-line (when necessary), to send encrypted information via the internet. The Foundation sought cooperation from the creator of Martus, Benetech, a Silicon Valley-based, non-profit venture, to assist in implementing this project. The Foundation, drawing on non-AERA resources, supported the first national roll-out of Martus in the Philippines during August 2002 – August 2003. Currently, again drawing on non-AERA resources, the Foundation is assisting Thai partners to work with Benetech to create a Thai-language version of the software so that it may be easily used by provincial volunteers. It is anticipated this process will be completed in mid-2004. Since there was to be considerable delay in finalizing the Thai version of Martus, funds that had been earmarked to train volunteers in the use of Martus were re-allocated to efforts to provide training in human rights for local monitors and to enhance citizen participation in suppressing corruption.

2. NHRC draws on volunteer reports to prioritize commission investigations.

In progress: Establishing local networks has always been on top of the NHRC's priority list. However, each commissioner has had their own approaches and methods in building a network. Consensus has now been reached by the Commissioners that it is more efficient to build their network on the pre-existing "Social Network", established by the Human Rights Protection and Development Institute, which promotes good governance -- i.e., transparency, accountability and equity -- in local administrations in order to fight corruption.

This particular institute aims at educating the local community to become aware of their rights to access information and to file complaints or provide information and evidence to watchdog organizations according to five laws: the Public Information Act, the Human Rights Act, the National Counter Corruption Act, the Anti-money Laundering and the State Audit Organization Act. Locals are urged to become familiar with these laws and thus, their rights and duties, and to be able to provide recommendations on how they can be amended to promote better governance. Since this particular network already has over 1000 members covering many areas nationwide, it is both economical and efficient to piggyback the human rights issue on top of the governance and anti-corruption work. Certain local networks have developed already into a full-fledge human rights network. For example, a "Human Rights Network" has been established in Ampur Bandung in Chiang Mai province and in Phuket since both local communities seem to be "ready" to become active members of the network in providing human rights surveillance.

Unfortunately, membership and activities of the network have not yet been systematically recorded and reported. Membership is made up of individuals from all walks of life including executive members and staff of various levels of local administration (provincial, municipal and tambon), school teachers and university professors, businessmen, civil society, owners of local construction companies and housewives. It is hoped that by the end of 2004, the network will be able to publish a monthly magazine to report memberships, activities and columns on governance and human rights at the local level. Secondly, funds have not been available to provide network members with the training that the NHRC requested The Asia Foundation to design.

3. Media reports on human rights violations and commission investigations.

Limited Success: It is unfortunate that the NHRC began its operations more than a year after the election of the Thaksin Shinawatra Administration. A hallmark of the administration has been to denigrate the role of non-governmental organizations and civic participation, as well as the role and authority of independent organizations such as the

NHRC. In addition, the government has implemented measures that have forced the media to impose a high level of self-censorship on reporting about government abuses, or any other issue that is not clearly pro-government. As a result of these factors, the media has provided very little coverage of the Commission's investigations. Furthermore, what little reporting has emerged has generally painted the Commission, and its NGO supporters, in an unfavorable light.

6.4 Recommendations for Further Action

According to TDRI evaluator interviews with officers and staff of the NHRC, the development of a provincial network faces three principle obstacles. First, the NHRC lacks sufficient funding to build awareness in the provinces. All of the independent agencies mandated by the 1997 Constitution are currently under-funded because their budget requests are consistently cut by the Budget Bureau. As the newest and most politically controversial mechanism, the NHRC has one of the leanest budgets. Second, local communities lack a fundamental understanding about human rights. Third, there is the lack of a well designed, on-line computer system that can support communications between the provincial network and the NHRC in Bangkok.

Based on these obstacles, NHRC officials recommend to TDRI evaluators four priorities for building their provincial network, to which the Foundation concurs.

1. Nationwide implementation of the Asia Foundation's "Human Rights Promotion at the Local Level" training program
2. Publish a training manual on human rights to be used in workshops aimed at building greater awareness and comprehension about human rights issues in the provincial areas.
3. Publish a bi-weekly or monthly magazine to report on the activities of the provincial network.
4. Implement an on-line system that will allow for communication and exchange of information between the NHRC and its provincial networks.

7.0 Project Budget

The USAID contribution to the AERA Promoting Good Governance Project was US\$ 900,000. Sub-grantees provided an additional US\$ 281,229 in counterpart contributions (cash and in-kind), representing 27.4% of the total project budget of US\$ 1,027,818. As demonstrated in the following budget table, the Foundation allocated 69.4% of USAID funds for direct project support; 16.6% was for Foundation administrative and training expenditures; and the balance of 13.6% was applied as indirect costs.

Programmatically, the Foundation allocated the largest portion of funds, \$256,821 (41.1% of direct project funds), to the second project objective: Civil Society Advocacy for Ethical Standards Strengthened. The two other original objectives, NCCC Mechanisms to Assess Ethical Standards Strengthened, and Public Participation in the Oversight of Local Administration Strengthened, received 22.7% and 19.4% respectively. The balance of 16.8% was divided among E-procurement, human rights, and project evaluation.

AERA Funds by Project Objective

		FY 00	FY 01	FY 02	FY 03	Total	Cntr-Part	Total
1. NCCC Mechanisms to Assess Ethical Standards Strengthened								
NCCC	ALS Process Assessment	43,016	40,319	0	0	83,335	2,309	85,644
CUSRI	ALS Computer Proto-type	0	0	58,452	0	58,452	1,780	60,232
Objective Subtotal						141,787	4,089	145,876
2. Civil Society Advocacy for Ethical Standards Strengthened								
Transparency Thailand	Administrative and Program Support	26,603	25,443	26,391	13,562	91,999	239,917	331,916
Anti-Corruption Network	Administrative and Program Support	24,584	23,327	36,718	19,581	104,210	4,935	109,145
	Translation and Publication	0	4,485	0	0	4,485	0	4,485
RTACL	Research & Trng on Admin. Law	0	0	21,748	-670	21,078	1,391	22,469
EnLAW	Environmental Law Project	0	0	13,280	0	13,280	8,850	22,130
UCL	Women and Good Governance	0	0	5,464	-7	5,457	15,174	20,631
CCOT	Establishment of an Independent CPA	0	0	16,312	0	16,312	0	16,312
Objective Sub-total						256,821	270,267	527,088
3. Public Participation in the Oversight of Local Administration Strengthened								
NCCC	Tambon Council Needs Assessment	31,690	29,749	29,626	0	91,065	646	91,711
IHRPD	Tambon Good Governance Research	0	28,977	0	0	28,977	866	29,843
FMPA	Corrupt Cities Roundtable Discussion	0	893	0	0	893	0	893
Objective Sub-total						120,935	1,512	122,447
4. E-Procurement Constraints Identified and Action Plan Developed								
PAA	eProcurement Anti-Corruption Research	0	0	20,948	22,336	43,284	2,311	45,595
5. NHRC Capacity to Monitor Human Rights Violations Strengthened.								
LST	Human Rights Training	0	0	13,995	23,365	37,360	0	37,360
FMPA	Trafficking Training	0	0	5,178	9,445	14,623	3,050	17,673
Objective Sub-total						51,983	3,050	55,033
FMPA	Project Evaluation	0	0	0	9,492	9,492	0	9,492
		125,893	153,193	248,112	97,104	624,302	281,229	905,531

AERA Funds by Project Objective

	FY 00	FY 01	FY 02	FY 03	Total	Cntr-Part	Total
TAF Program Administration and Training	647	24,410	67,793	56,900	149,750	0	0
Direct Costs Subtotal	126,540	177,603	315,905	154,004	774,052	281,229	905,531
Indirect Costs	31,635	24,864	44,227	21,561	122,287	0	122,287
Total Direct and Indirect Costs	158,175	202,467	360,132	175,565	896,339	281,229	1,027,818
Total Available Funds					900,000		
Variance					3,661		